

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
3 WESTERN DIVISION

4 WAYNE COUNTY BOARD OF
5 EDUCATION

6 Plaintiff,

7 v.

8 META PLATFORMS, INC., FACEBOOK
9 PAYMENTS, INC., SICULUS, INC.,
10 FACEBOOK OPERATIONS, LLC,
11 INSTAGRAM, LLC, FACEBOOK
12 HOLDINGS, LLC, META PAYMENTS,
13 INC., SNAP INC., TIKTOK INC.,
14 TIKTOK, LTD., TIKTOK, LLC,
15 BYTEDANCE LTD., BYTEDANCE INC.,
16 GOOGLE LLC, and YOUTUBE, LLC,

17 Defendants.

Civil Case No. 5:24-cv-597

COMPLAINT

JURY TRIAL DEMANDED

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I. INTRODUCTION

1. American children are suffering an unprecedented mental health crisis fueled by Defendants' addictive and dangerous social media products. In the past decade, Americans' engagement with social media grew exponentially, nowhere more dramatically than among our country's youth. That explosion in usage is no accident. It is the result of Defendants' studied efforts to induce young people to compulsively use their products—Instagram, Facebook, TikTok, Snapchat, and YouTube. And Defendants have grown not just their user bases, but the frequency with which users use their platforms and the time each user spends on their platforms. Defendants' growth is a product of choices they made to design and operate their platforms in ways that exploit the psychology and neurophysiology of their users into spending more and more time on their platforms. These techniques are both particularly effective and harmful young users. Defendants have intentionally cultivated, creating a mental health crisis among America's youth.

2. Defendants have done so for profit. Adolescents and children are central to the Defendants' business models. These age groups are highly connected to the Internet, more likely to have social media accounts, and more likely to devote their downtime to social media usage. Additionally, youth influence the behavior of their parents and younger siblings. As one Defendant put it, “los[ing] the teen foothold in the U.S.” would mean “los[ing] the pipeline” for growth.¹

3. Over the past decade, Defendants have relentlessly pursued a strategy of growth-at-all-costs, recklessly ignoring the impact of their products on children's mental and physical health and well-being. In a race to corner the “valuable but untapped” market of tween and teen users, each Defendant designed product features to promote repetitive, uncontrollable use by kids.²

4. Recognizing the power of engaging young users, Defendants deliberately tweaked the design and operation of their apps to exploit the psychology and neurophysiology of kids. Because children's and adolescents' brains are not fully developed, they lack the same emotional

¹ Sheera Frenkel et al., *Instagram Struggles with Fears of Losing Its ‘Pipeline’: Young Users*, N.Y. Times (Oct. 26, 2021), available at <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html>.

² Georgia Wells & Jeff Horwitz, *Facebook's Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>.

1 maturity, impulse control, and psychological resiliency as adults. As a result, they are uniquely
2 susceptible to addictive features in digital products and highly vulnerable to the consequent harms.
3 Knowing this, Defendants wrote code designed to manipulate dopamine release in children's
4 developing brains and, in doing so, create compulsive use of their apps.

5 5. Defendants' strategy paid off. Users of their products now number in the billions,
6 and the frequency and time spent by these users has grown exponentially.

7 6. Yet, Defendants' growth has come at the expense of its most vulnerable users:
8 children and teens around the world who they cultivated and exploited. Children and teens are the
9 direct victims of the intentional product design choices made by each Defendant. They are the
10 intended targets of the harmful features that pushed them into self-destructive feedback loops

11 7. Today, over a third of 13- to 17-year-old kids report using one of Defendants' apps
12 "almost constantly" and admit this is "too much." Yet more than half of these kids report that they
13 would struggle to cut back on their social media use. Instead of feeding coins into machines, kids
14 are feeding Defendants' platforms with an endless supply of attention, time, and data.

15 8. Defendants' choices have generated extraordinary corporate profits—and yielded
16 immense tragedy. Suicide rates for youth are up an alarming 57%. Emergency room visits for
17 anxiety disorders are up 117%. In the decade leading up to 2020, there was a 40% increase in high
18 school students reporting persistent sadness and hopelessness, and a 36% increase in those who
19 attempted to take their own lives. In 2019, one in five high school girls had made a suicide plan. In
20 2021, one in three girls seriously considered attempting suicide. Children and their parents and
21 guardians across the country have struggled to cope with the severe, lasting damage visited on their
22 families by anxiety, depression, addiction, eating disorders, self-harm, suicidality, and the loss of
23 outliving one's child.

24 9. Instagram, Facebook, TikTok, Snapchat, and YouTube have rewired how our kids
25 think, feel, and behave. Disconnected "Likes" have replaced the intimacy of adolescent friendships.
26 Mindless scrolling has displaced the creativity of play and sport. While presented as "social,"
27 Defendants' products have in myriad ways promoted disconnection, disassociation, and a legion of
28 resulting mental and physical harms.

1 10. The U.S. Surgeon General recently explained that children versus Big Tech is “just
2 not a fair fight.”³ “You have some of the best designers and product developers in the world who
3 have designed these products to make sure people are maximizing the amount of time they spend
4 on these platforms. And if we tell a child, use the force of your willpower to control how much
5 time you’re spending, you’re pitting a child against the world’s greatest product designers.”

6 11. The Surgeon General’s comments have since been echoed by President Biden
7 himself. In a January 11, 2023 op-ed, President Biden recognized: “The risks Big Tech poses for
8 ordinary Americans are clear. Big Tech companies collect huge amounts of data on the things we
9 buy, on the websites we visit, on the places we go and, most troubling of all, on our children.”⁴

10 12. Students experiencing anxiety, depression, and other mental health issues perform
11 worse in school, are less likely to attend school, more likely to engage in substance use, and to act
12 out, all of which directly affects Plaintiff’s ability to fulfill its educational mission.

13 13. Plaintiff, like many school districts across the state and country, is at a breaking
14 point. Meanwhile, Defendants profit tremendously from their wrongful conduct. Plaintiff brings
15 this action to remedy this wrong, hold Defendants accountable, and achieve comprehensive, long-
16 term planning and funding to drive sustained reduction in the mental health crises its students
17 experience at the Defendants’ hands.

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25 ³ Allison Gordon & Pamela Brown, *Surgeon General says 13 is ‘too early’ to join social media*,
26 CNN (Jan. 29, 2023), <https://www.cnn.com/2023/01/29/health/surgeon-general-social-media/index.html>. Exhibits and referenced materials are incorporated in this *Master Complaint* as if fully stated herein.

27 ⁴ Joe Biden, *Republicans and Democrats, Unite Against Big Tech Abuses*, Wall St. J. (Jan. 11,
28 2023), <https://www.wsj.com/articles/unite-against-big-tech-abuses-social-media-privacy-competition-antitrust-children-algorithm-11673439411>.

1 **II. THE PARTIES**

2 **A. PLAINTIFF**

3 14. Plaintiff the School District of Wayne County Board of Education (“Wayne County
4 Board of Education Schools” or “School Board” or “Plaintiff”) is a political subdivision of North
5 Carolina, organized and operating under the General Statutes of North Carolina, with general
6 control and supervision of all matters pertaining to the public schools in the School District of
7 Wayne County. Plaintiff’s offices are located on 2001 E. Royall Avenue, Goldsboro, NC 27534.

8 **B. DEFENDANTS**

9 15. The defendants identified in this section are collectively referred to as “Defendants”
10 throughout this Complaint.

11 **1. Meta**

12 16. Defendant Meta Platforms, Inc. (“Meta Platforms”) is a Delaware corporation and
13 multinational technology conglomerate. Its principal place of business is in Menlo Park, CA.

14 17. Meta Platforms’ subsidiaries include, but may not be limited to, the entities
15 identified in this section, as well as a dozen others whose identity or involvement is presently
16 unclear.

17 18. Defendant Meta Payments, Inc. (“Meta 2”) is a wholly owned subsidiary of Meta
18 Platforms that was incorporated in Florida on December 10, 2010. Meta 2 manages, secures, and
19 processes payments made through Meta Platforms, among other activities. Its principal place of
20 business is in Menlo Park, CA.

21 19. Defendant Facebook Payments, Inc. (“Facebook 1”) is a wholly owned subsidiary
22 of Meta Platforms that was incorporated in Florida on December 10, 2010. Facebook 1 manages,
23 secures, and processes payments made through Meta Platforms, among other activities. Its principal
24 place of business is in Menlo Park, CA.

25 20. Defendant Facebook Holdings, LLC (“Facebook 2”) is a wholly owned subsidiary
26 of Meta Platforms that is a limited liability company registered in Delaware. Facebook 2 is likely
27 a managing entity for Meta Platforms’ other subsidiaries. Meta Platforms is the sole member of this
28 LLC, whose principal place of business is in Menlo Park, CA.

1 21. Defendant Siculus, Inc. (“Siculus”) is a wholly owned subsidiary of Meta Platforms
2 that was incorporated in Delaware on October 19, 2011. Siculus constructs data facilities to support
3 Meta Platforms’ products. Its principal place of business is in Menlo Park, CA.

4 22. Defendant Facebook Operations, LLC (“Facebook 3”) is a wholly owned subsidiary
5 of Meta Platforms that was incorporated in Delaware on January 8, 2012. Facebook 2 is likely a
6 managing entity for Meta Platforms’ other subsidiaries. Meta Platforms is the sole member of this
7 LLC, whose principal place of business is in Menlo Park, CA.

8 23. Defendant Instagram, LLC (“Instagram, LLC”) launched an app called Instagram in
9 October 2010. On or around April 7, 2012, Meta Platforms purchased Instagram, LLC for over one
10 billion dollars and reincorporated the company in Delaware. Meta Platforms is the sole member of
11 this LLC, whose principal place of business is in Menlo Park, CA.

12 24. Meta Platforms, Meta 2, Instagram, Siculus, Facebook 1, Facebook 2 and Facebook
13 3 are referred to jointly as “Meta.”

14 25. Meta owns, operates, controls, produces, designs, maintains, manages, develops,
15 tests, labels, markets, advertises, promotes, supplies, and distributes digital products available
16 through mobile- and web-based applications (“apps”), including Instagram and Facebook (together,
17 “Meta products”); Messenger; and Messenger Kids. Meta’s apps and devices are widely distributed
18 to consumers throughout the United States.

19 **2. Snap**

20 26. Defendant Snap Inc. (“Snap”) is a Delaware corporation. Its principal place of
21 business is in Santa Monica, CA.

22 27. Snap owns, operates, controls, produces, designs, maintains, manages, develops,
23 tests, labels, markets, advertises, promotes, supplies, and distributes the app Snapchat. Snapchat is
24 widely available to consumers throughout the United States.

25 **3. ByteDance**

26 28. Defendant ByteDance Ltd. is a global company incorporated in the Cayman Islands.
27 Its principal place of business is in Beijing, China. ByteDance Ltd. also maintains offices in the
28 United States, Singapore, India, and the United Kingdom, among other locations.

1 29. ByteDance Ltd. wholly owns its subsidiary Defendant ByteDance Inc., a Delaware
2 corporation whose principal place of business is in Mountain View, CA.

3 30. ByteDance Ltd.'s key Chinese subsidiary is Beijing Douyin Information Service
4 Limited, f/k/a Beijing ByteDance Technology Co. Ltd. ("Beijing ByteDance").⁵ Beijing ByteDance
5 owns, operates, and holds key licenses to Douyin, the Chinese version of TikTok. On or around
6 April 30, 2021, the Chinese government took a 1% stake in, and received one of three seats on the
7 board of directors of, Beijing ByteDance.⁶ Specifically, 1% of Beijing ByteDance is now owned
8 by WangTouZhongWen (Beijing) Technology, which in turn is owned by China Internet
9 Investment Fund (China's top Internet regulator and censor), China Media Group (China's national
10 broadcaster, controlled by the Chinese Communist Party's propaganda department), and the Beijing
11 municipal government's investment arm.

12 31. ByteDance Ltd. wholly owns its subsidiary Defendant TikTok, Ltd., a Cayman
13 Island corporation with its principal place of business in Shanghai, China.

14 32. TikTok, Ltd. wholly owns its subsidiary Defendant TikTok, LLC which is, and at
15 all relevant times was, a Delaware limited liability company.

16 33. TikTok, LLC wholly owns its subsidiary Defendant TikTok, Inc. f/k/a Musical.ly,
17 Inc. ("TikTok, Inc."), a California corporation with its principal place of business in Culver City,
18 CA.

19 34. Defendants TikTok, Ltd.; TikTok, LLC; TikTok, Inc.; ByteDance Ltd.; and
20 ByteDance Inc. are referred to jointly as "ByteDance."

21 35. ByteDance owns, operates, controls, produces, designs, maintains, manages,
22 develops, tests, labels, markets, advertises, promotes, supplies, and distributes the app TikTok.
23 TikTok is widely available to consumers throughout the United States.

24 _____
25 ⁵ See Sophie Webster, *ByteDance Changes Names of Subsidiaries to Douyin, Speculated to be*
26 *Mulling an IPO*, Tech Times (May 8, 2022), available at
<https://www.techtimes.com/articles/275188/20220508/bytedance-changes-names-subsidiaries-douyin-speculated-mulling-ipo.htm>.

27 ⁶ See Juro Osawa & Shai Oster, *Beijing Tightens Grip on ByteDance by Quietly Taking Stake,*
28 *China Board Seat*, The Information (Aug. 16, 2021), available at
<https://www.theinformation.com/articles/beijing-tightens-grip-on-bytedance-by-quietly-taking-stake-china-board-seat?rc=ubpjcg>.

1 **4. Google**

2 36. Google Inc. was incorporated in California in September 1998 and reincorporated
3 in Delaware in August 2003. In or around 2017, Google Inc. converted to a Delaware limited
4 liability company, Defendant Google, LLC (together with its predecessor-in-interest Google Inc.,
5 “Google”). Google’s principal place of business is in Mountain View, CA.

6 37. Since 2006, Google has operated, done business as, and wholly owned as its
7 subsidiary Defendant YouTube, LLC (“YouTube, LLC”). YouTube, LLC is a Delaware limited
8 liability company with its principal place of business in San Bruno, CA. YouTube is widely
9 available to consumers throughout the United States.⁷

10 38. On October 2, 2015, Google reorganized and became a wholly owned subsidiary of
11 a new holding company, Alphabet Inc., a Delaware corporation with its principal place of business
12 in Mountain View, CA.

13 39. Google, LLC and YouTube, LLC (together, “Google”) are alter egos of one another:
14 together and in concert they own, operate, control, produce, design, maintain, manage, develop,
15 test, label, market, advertise, promote, supply, and distribute the app YouTube.

16 **III. JURISDICTION AND VENUE**

17 40. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
18 § 1332(a) because: (i) the amount in controversy exceeds \$75,000, exclusive of interests and costs,
19 and (ii) the plaintiff and defendants are citizens of different states.

20 41. This Court has personal jurisdiction over each Defendant as each Defendant
21 purposefully availed itself of the privilege of exploiting forum-based business opportunities and
22 the exercise of personal jurisdiction is consistent with North Carolina law. This Court also has
23 personal jurisdiction over Defendants under 18 U.S.C. §1964(c).

24 42. Venue is proper pursuant to 28 U.S.C. §1391 because a substantial part of the events
25 or omissions giving rise to the claims asserted herein arose in this District and Defendants are
26 subject to personal jurisdiction in this District.

27

28 ⁷ See, e.g., Alphabet Inc., *Form 10-Q*, Oct. 25, 2022, at 4 (defining Alphabet as “Alphabet Inc.
and its subsidiaries.”), available at
<https://www.sec.gov/Archives/edgar/data/1652044/000165204422000090/goog-20220930.htm>.

1 **IV. FACTUAL ALLEGATIONS**

2 **A. DEFENDANTS' APPS HAVE CREATED A YOUTH MENTAL HEALTH**
3 **CRISIS.**

4 43. Nearly a decade of scientific and medical studies demonstrate that dangerous
5 features engineered into Defendants' platforms—particularly when used multiple hours a day—
6 can have a “detrimental effect on the psychological health of [their] users,” including compulsive
7 use, addiction, body dissatisfaction, anxiety, depression, and self-harming behaviors such as eating
8 disorders.⁸

9 44. Addiction and compulsive use of Defendants' products can entail a variety of
10 behavioral problems including but not limited to: (1) a lessening of control, (2) persistent,
11 compulsive seeking out of access to the product, (3) using the product more, and for longer, than
12 intended, (4) trying to cut down on use but being unable to do so, (5) experiencing intense cravings
13 or urges to use, (6) tolerance (needing more of the product to achieve the same desired effect), (7)
14 developing withdrawal symptoms when not using the product, or when the product is taken away,
15 (8) neglecting responsibilities at home, work, or school because of the intensity of usage, (9)
16 continuing to use the product even when doing so interferes and causes problems with important
17 family and social relationships, (10) giving up important or desirable social and recreational
18 activities due to use, and (11) continuing to use despite the product causing significant harm to the
19 user's physical and mental health.

20 45. Many of these injuries can be long-lasting, if not lifelong. For example, the long-
21 term effects of eating disorders can include: (1) dermatological effects to the nails and hair;
22 (2) gastrointestinal illnesses, such as gastroparesis or hypomotility of the colon; (3) impacts to the
23 endocrine system, such as glycolic or metabolic conditions, bone loss, and hormonal conditions;
24 (4) nervous system effects, such as gray matter brain loss or atrophy; (5) skeletal system effects,

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26 ⁸ See, e.g., Fazida Karim *et al.*, *Social Media Use and Its Connection to Mental Health: A*
27 *Systemic Review*, Cureus Volume 12(6) (June 15, 2020),
28 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7364393/>; Alexandra R. Lonergan *et al.*, *Protect*
me from my selfie: Examining the association between photo-based social media behaviors and
self-reported eating disorders in adolescence, *Int. J. of Eating Disorders* 756 (Apr. 7, 2020),
<https://onlinelibrary.wiley.com/doi/epdf/10.1002/eat.23256>.

1 such as bone loss; (6) cardiovascular effects, such as structural heart damage, mitral valve prolapse,
2 or fluid around the heart; and (7) fertility issues.⁹

3 46. Each Defendant has long been aware of this research, but chose to ignore or brush
4 it off.

5 47. Scientists have studied the impacts of the overuse of social media since at least 2008,
6 with social media addiction recognized in literature around that time after a pervasive upsurge in
7 Facebook use.¹⁰ The *Bergen Social Media Addiction Scale* assesses social media addiction along
8 six core elements: 1) salience (preoccupation with the activity), 2) mood modification (the behavior
9 alters the emotional state), 3) tolerance (increasing activity is needed for the same mood-altering
10 effects), 4) withdrawal (physical or psychological discomfort when the behavior is discontinued),
11 5) conflict (ceasing other activities or social interaction to perform the behavior), and 6) relapse
12 (resuming the behavior after attempting to control or discontinue it).¹¹

13 48. Beginning in at least 2014, researchers began demonstrating that addictive and
14 compulsive use of Defendants' apps leads to negative mental and physical outcomes for kids.

15 49. In 2014, a study of 10- to 12-year-old girls found that increased use of Facebook
16 was linked with body image concerns, the idealization of thinness, and increased dieting.¹² (This
17 study was sent to Mark Zuckerberg in 2018, in a letter signed by 118 public health advocates.)¹³

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19
20 ⁹ See, e.g., Anorexia Nervosa, Cleveland Clinic
21 <https://my.clevelandclinic.org/health/diseases/9794-anorexia-nervosa#outlook--prognosis>;
22 Bulimia Nervosa; Cleveland Clinic [https://my.clevelandclinic.org/health/diseases/9795-bulimia-](https://my.clevelandclinic.org/health/diseases/9795-bulimia-nervosa#symptoms-and-causes)
23 [nervosa#symptoms-and-causes](https://my.clevelandclinic.org/health/diseases/9795-bulimia-nervosa#symptoms-and-causes).

24 ¹⁰ Tim Davies & Pete Cranston, *Youth Work and Social Networking: Interim Report*, The
25 National Youth Agency (May 2008),
26 https://www.researchgate.net/publication/233911484_Youth_Work_and_Social_Networking_Final_Research_Report.

27 ¹¹ Cecilie Andreassen et al., *The relationship between addictive use of social media and video*
28 *games and symptoms of psychiatric disorders: a large-scale cross-sectional study*, 30(2) Psychol.
of Addictive Behav., 252-262 (2016), <http://dx.doi.org/10.1037/adb0000160>.

¹² Marika Tiggemann & Amy Slater, *NetTweens: The Internet and body image concerns in*
preteenage girls, 34(5), J. Early Adolesc. 606-620 (June 2014),
<https://journals.sagepub.com/doi/epub/10.1177/0272431613501083>.

¹³ Campaign for a Commercial-Free Childhood, *Letter to Mark Zuckerberg Re: Facebook*
Messenger Kids (Jan. 30, 2018), <https://fairplayforkids.org/wp-content/uploads/archive/develop/gaw/FBMessengerKids.pdf>.

1 50. In 2016, a study demonstrated that young people who frequently use Defendants’
2 apps are more likely to suffer sleep disturbances than their peers who use them infrequently.¹⁴
3 Defendants’ products, driven by intermittent variable rewards (“IVR”) algorithms, as described
4 below, deprive users of sleep by sending push notifications and emails at night, prompting children
5 to re-engage with the apps when they should be sleeping. Disturbed and insufficient sleep is
6 associated with poor health outcomes,¹⁵ including increased risk of major depression—by a factor
7 of more than three—¹⁶and future suicidal behavior in adolescents.¹⁷ The American Academy of
8 Sleep Medicine has recommended that, in a 24-hour period, children aged 6–12 years should
9 regularly sleep 9–12 hours and teenagers aged 13–18 years should sleep 8–10 hours.¹⁸

10 51. In another 2016 study, 52% of girls said they use image filters every day, and 80%
11 reported using an app to change their appearance before the age of 13.¹⁹ In fact, 77% of girls
12 reported trying to change or hide at least one part of their body before posting a photo of themselves,
13 and 50% believe they did not look good enough without editing.²⁰

14
15
16 ¹⁴ Jessica C. Levenson et al., *The Association Between Social Media Use and Sleep Disturbance Among Young Adults*, 85 Preventive Med. 36–41 (Apr. 2016),
17 <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025>.

18 ¹⁵ Jessica C. Levenson et al., *The Association Between Social Media Use and Sleep Disturbance Among Young Adults*, 85 Preventive Med. 36–41 (Apr. 2016),
19 <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025>; National Institute of
20 Mental Health. 2016. The teen brain: 6 things to know, *available at*
21 <https://www.nimh.nih.gov/health/publications/the-teen-brain-still-under-construction/index.shtml>;
22 R. Sather & A. Shelat, *Understanding the teen brain*,
23 <https://www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeID=1&ContentID=3051>.

24 ¹⁶ E. Roberts & H Doung, *The Prospective Association between Sleep Deprivation and Depression among Adolescents Sleep*, Volume 37, Issue 2, 1 Feb. 2014.

25 ¹⁷ X. Liu, D. Buysse, *Sleep and youth suicidal behavior: a neglected field*, Current Opinion in Psychiatry (May 2006).

26 ¹⁸ S. Paruthi, L. Brooks, C. D’Ambrosio, et al, *Consensus statement of the American Academy of Sleep Medicine on the recommended amount of sleep for healthy children: methodology and discussion*, 12 J Clin Sleep Med 1549–61 (2016).

27 ¹⁹ Anna Haines, *From “Instagram Face” to “Snapchat Dysmorphia”: How Beauty Filters Are Changing the Way We See Ourselves*, Forbes (Apr. 27, 2021),
28 <https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

²⁰ Anna Haines, *From “Instagram Face” to “Snapchat Dysmorphia”: How Beauty Filters Are Changing the Way We See Ourselves*, Forbes (Apr. 27, 2021),
<https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

52. In 2017, British researchers asked 1,500 teens to rate how Instagram, Snapchat, and YouTube affected them on certain well-being measures, including anxiety, loneliness, body image, and sleep.²¹ Teens rated all three platforms as having a negative impact on body image, “FOMO” (fear of missing out), and sleep. Teens also noted that Instagram and Snapchat had a negative impact on anxiety, depression, and loneliness.

53. In 2018, a *Journal of Social and Clinical Psychology* study examined a group of college students whose use of Instagram, Facebook, and Snapchat was limited to 10 minutes per day per platform. The study found that this limited-use group showed “significant reductions in loneliness and depression over three weeks” compared to a control group that used social media as usual.²²

54. In 2018, a systematic literature review of nine studies published in the *Indian Journal of Psychiatry* concluded that dangerous features in social networking platforms “contribute to increased exposure to and engagement in self-harm behavior, as users tend to emulate self-injurious behavior of others online, adopt self-injurious practices from self-harm videos, or are encouraged and acclaimed by others, thus normalizing self-injurious thoughts and behavior.”²³

55. A 2019 survey of American adolescents ages 12-14 found that a user’s displeasure with their body could be predicted based on their frequency of using social media (including Instagram and Facebook) and based on the extent to which they engaged in behaviors that adopt an observer’s point-of-view (such as taking selfies or asking others to “rate one’s looks”). This effect was more pronounced among girls than boys.²⁴

²¹ Royal Society for Public Health, #StatusOfMind, <https://www.rsph.org.uk/static/uploaded/d125b27c-0b62-41c5-a2c0155a8887cd01.pdf>; see also Jonathan Haidt, *The Dangerous Experiment on Teen Girls*, The Atlantic (Nov. 21, 2021), available at <https://www.theatlantic.com/ideas/archive/2021/11/facebooks-dangerous-experiment-teen-girls/620767/>.

²² Melissa G. Hunt et al., *No More FOMO: Limiting Social Media Decreases Loneliness and Depression*, 37 J. of Social & Clinical Psych. (Dec. 5, 2018), <https://guilfordjournals.com/doi/epdf/10.1521/jscp.2018.37.10.751>.

²³ Aksha Memon et al., *The role of online social networking on deliberate self-harm and suicidality in adolescents: a systematized review of literature*, 60(4) Indian J Psychiatry 384-392 (Oct-Dec 2018), http://10.4103/psychiatry.IndianJPsychiatry_414_17.

²⁴ Ilyssa Salomon & Christia Spears Brown, *The Selfie Generation: Examining the Relationship Between Social Media Use and Early Adolescent Body Image*, Journal of Early Adolescence (Apr. 21, 2018), <https://journals.sagepub.com/doi/abs/10.1177/0272431618770809>.

1 56. A third study in 2019 of more than 6500 American adolescents ranging in age from
2 12 to 15 years old found that those who used social media for 3 hours or more per day were more
3 likely to suffer from mental health problems such as anxiety and depression.²⁵ Notably, this
4 association remained significant even *after* adjusting for demographics, past alcohol and marijuana
5 use, and history of mental health problems.²⁶

6 57. In 2020, a study of Australian adolescents found that investment in others' selfies
7 (through likes and comments) was associated with greater odds of meeting criteria for
8 clinical/subclinical bulimia nervosa, clinical/subclinical binge-eating disorder, night eating
9 syndrome, and unspecified feeding and eating disorders.²⁷

10 58. In 2020, a longitudinal study investigated whether "Facebook Addiction Disorder"
11 predicted suicide-related outcomes, and found that children and adolescents addicted to Facebook
12 are more likely to engage in self-injurious behavior, such as cutting and suicide.²⁸

13 59. In 2020, clinical research demonstrated an observable link between youth social
14 media use and disordered eating behavior.²⁹ The more time young girls spend using Defendants'

19 ²⁵ Kira Riehm et al., *Associations between time spent using social media and internalizing and*
20 *externalizing problems among US youth*, 76(12) JAMA Psychiatry (2019),
21 <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2749480>.

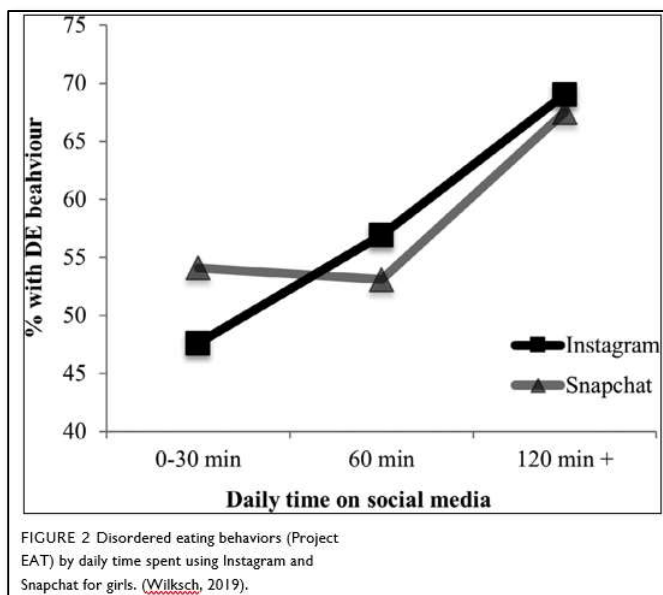
22 ²⁶ Kira Riehm et al., *Associations between time spent using social media and internalizing and*
23 *externalizing problems among US youth*, 76(12) JAMA Psychiatry (2019),
24 <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2749480>.

25 ²⁷ Alexandra R. Lonergan et al., *Protect Me from My Selfie: Examining the Association Between*
26 *Photo-Based Social Media Behaviors and Self-Reported Eating Disorders in Adolescence*, Int'l J.
27 of Eating Disorders (Apr. 7, 2020), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/eat.23256>.

28 ²⁸ See, e.g., Julia Brailovskaia et al., *Positive mental health mediates the relationship between*
 Facebook addiction disorder and suicide-related outcomes: a longitudinal approach, 00(00)
 Cyberpsychology, Behavior, and Social Networking (2020),
 <https://doi.org/10.1089/cyber.2019.0563>; Jean M. Twenge et al., *Increases in Depressive*
 Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and
 Links to Increased New Media Screen Time, 6 Clinical Psych. Sci. 3–17 (2018).

²⁹ Simon M. Wilksch et al., *The relationship between social media use and disordered eating in*
 young adolescents, 53 Int'l J. Eating Disorders 96–106 (2020),
 <https://pubmed.ncbi.nlm.nih.gov/31797420/>.

products, the more likely they are to develop disordered eating behaviors.³⁰ And the more social media accounts adolescents have, the more disordered eating behaviors they exhibit.³¹



60. Eating disorders often occur simultaneously with other self-harm behaviors such as cutting and are often associated with suicide.³²

61. In a 2021 study, female undergraduates were randomly shown thinspiration (low body mass index and not muscular), fitspiration (muscular and exercising), or neutral photos.³³ Thinspiration and fitspiration images lowered self-esteem, even in those with a self-perceived healthy weight.³⁴

³⁰ Simon M. Wilksch *et al.*, *The relationship between social media use and disordered eating in young adolescents*, 53 *Int'l J. Eating Disorders* 96–106 (2020), <https://pubmed.ncbi.nlm.nih.gov/31797420/>.

³¹ Simon M. Wilksch *et al.*, *The relationship between social media use and disordered eating in young adolescents*, 53 *Int'l J. Eating Disorders* 96–106 (2020), <https://pubmed.ncbi.nlm.nih.gov/31797420/>.

³² Sonja Swanson *et al.*, *Prevalence and correlates of eating disorders in adolescents*, 68(7) *Arch Gen Psychiatry* 717-723 (2011), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5546800/>.

³³ Karikarn Chansiri & Thipkanok Wongphothiphan, *The indirect effects of Instagram images on women's self-esteem: The moderating roles of BMI and perceived weight*, 00(0) *New Media & Society* 1-23 (2021), <https://journals.sagepub.com/doi/epub/10.1177/14614448211029975>.

³⁴ Karikarn Chansiri & Thipkanok Wongphothiphan, *The indirect effects of Instagram images on women's self-esteem: The moderating roles of BMI and perceived weight*, 00(0) *New Media & Society* 1-23 (2021), <https://journals.sagepub.com/doi/epub/10.1177/14614448211029975>.

62. A 2022 study of Italian adolescent girls (12-17) and young women (18-28) found that Instagram's image editing and browsing features, combined with an emphasis on influencer interactions, promulgated unattainable body ideals that caused users to compare their bodies to those ideals.³⁵ These trends were more prominent among adolescent girls, given their higher susceptibility to social pressures related to their bodies and given the physical changes associated with puberty.

63. In 2023, a study of magnetic resonance images demonstrated that compulsive use of Defendants' apps measurably alters children's brains.³⁶ This study measured fMRI responses in 12-year-old adolescents who used Facebook, Instagram, and Snapchat over a three-year period and found that neural patterns diverged. Specifically, those who engaged in high social media checking behavior "showed lower neural sensitivity to social anticipation" than those who engaged in low to moderate checking behavior.³⁷

64. Defendants' apps have triggered depression, anxiety, eating disorders, self-harm, and suicidality among thousands of children. Defendants have created a crisis.

65. From 2009 to 2019, the rate of high school students who reported persistent sadness or hopelessness increased by 40% (to one out of every three kids).³⁸ The share of kids who seriously considered suicide increased by 36%, and those that created a suicide plan increased by 44%.³⁹

³⁵ Federica Pedalino and Anne-Linda Camerini, *Instagram use and body dissatisfaction: The mediating role of upward social comparison with peers and influencers among young females*, 19(3) Int'l J of Environmental Research and Public Health 1543 (2022), <https://www.mdpi.com/1660-4601/19/3/1543>.

³⁶ Maria Maza et al., *Association of habitual checking behaviors on social media with longitudinal functional brain development*, JAMA Ped., (Jan. 3, 2023), <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2799812>.

³⁷ Maria Maza et al., *Association of habitual checking behaviors on social media with longitudinal functional brain development*, JAMA Ped., (Jan. 3, 2023), <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2799812>.

³⁸ *Protecting Youth Mental Health: The U.S. Surgeon General's Advisory* at 8, U.S. Dep't Health & Hum. Servs. (Dec. 7, 2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

³⁹ *Protecting Youth Mental Health: The U.S. Surgeon General's Advisory* at 8, U.S. Dep't Health & Hum. Servs. (Dec. 7, 2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

1 66. From 2007 to 2019, suicide rates among youth aged 10-24 in the United States
2 increased by 57%.⁴⁰

3 67. From 2007 to 2016, emergency room visits for youth aged 5-17 rose 117% for
4 anxiety disorders, 44% for mood disorders, and 40% for attention disorders.⁴¹

5 68. By 2019, one-in-five children aged 3-17 in the United States had a mental,
6 emotional, developmental, or behavioral disorder.⁴² Mental health issues are particularly acute
7 among females.⁴³

8 69. On December 7, 2021, the United States Surgeon General issued an advisory on the
9 youth mental health crisis.⁴⁴ The Surgeon General explained, “[m]ental health challenges in
10 children, adolescents, and young adults are real and widespread. Even before the pandemic, an
11 alarming number of young people struggled with feelings of helplessness, depression, and thoughts

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18 ⁴⁰ *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory* at 8, U.S. Dep’t Health
19 & Hum. Servs. (Dec. 7, 2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

20 ⁴¹ Charmaine Lo, *Children’s mental health emergency department visits: 2007-2016*, 145(6)
21 *Pediatrics* e20191536 (June 2020), <https://doi.org/10.1542/peds.2019-1536>.

22 ⁴² *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by*
23 *COVID-19 Pandemic*, U.S. Dep’t Health & Hum. Servs. (Dec. 14, 2021),
24 <https://adasoutheast.org/u-s-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic/>; *see also* Jean M. Twenge et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 *Clinical Psych. Sci.* 3–17 (2017), <https://doi.org/10.1177/216770261772337> (noting that mental health issues are particularly acute among females).

25 ⁴³ *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by*
26 *COVID-19 Pandemic*, U.S. Dep’t Health & Hum. Servs. (Dec. 14, 2021),
27 <https://adasoutheast.org/u-s-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic/>

28 ⁴⁴ *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by*
COVID-19 Pandemic, U.S. Dep’t Health & Hum. Servs. (Dec. 14, 2021),
<https://adasoutheast.org/u-s-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic/>.

1 of suicide—and rates have increased over the past decade.”⁴⁵ Those “mental health challenges were
2 the leading cause of disability and poor life outcomes in young people.”⁴⁶

3 70. On February 13, 2023, the CDC released new statistics revealing that, in 2021, one
4 in three girls seriously considered attempting suicide.⁴⁷

5 As discussed herein, each of the Defendants’ products manipulates minor users’ brains by
6 building in stimuli and social reward mechanisms (e.g., “Likes”) that cause users to compulsively
7 seek social rewards. That, in turn, leads to neuroadaptation; a child requires more and more
8 stimuli to obtain the desired dopamine release, along with further impairments of decision-
9 making. It also leads to reward-seeking through increasingly extreme content, which is more
10 likely to generate intense reactions from other users. These consequences are the foreseeable
11 results of Defendants’ engineering decisions.

12 **B. DEFENDANTS TARGET CHILDREN AS A CORE MARKET, HOOKING**
13 **KIDS ON THEIR ADDICTIVE SOCIAL MEDIA PLATFORMS.**

14 71. Each Defendant designs, engineers, markets, and operates its products to maximize
15 the number of children who download and use them compulsively. Children are more vulnerable
16 users and have more free time on their hands than their adult counterparts. Because children use
17 Defendants’ products more, they see more ads, and as a result generate more ad revenue for
18 Defendants. Young users also generate a trove of data about their preferences, habits, and
19 behaviors. That information is Defendants’ most valuable commodity. Defendants mine and
20 commodify that data, including by selling to advertisers the ability to reach incredibly narrow
21 tranches of the population, including children. Each Defendant placed its app(s) into the stream of
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23 ⁴⁵ *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by*
24 *COVID-19 Pandemic*, U.S. Dep’t Health & Hum. Servs. (Dec. 14, 2021),
<https://adasoutheast.org/u-s-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic/>

25 ⁴⁶ *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by*
26 *COVID-19 Pandemic*, U.S. Dep’t Health & Hum. Servs. (Dec. 14, 2021),
<https://adasoutheast.org/u-s-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic/>

27 ⁴⁷ Azeen Ghorayashi & Roni Caryn Rabin, *Teen Girls Report Record Levels of Sadness, C.D.C.*
28 *Findings*, N.Y. Times (Feb. 13, 2023), <https://www.nytimes.com/2023/02/13/health/teen-girls-sadness-suicide-violence.html>.

1 commerce and generated revenues through the distribution of those apps at the expense of the
2 consuming public.

3 72. Addicting young children and teens is central to Defendants' profitability. Like the
4 cigarette industry a generation earlier, Defendants understand that a child user today becomes an
5 adult user tomorrow. Indeed, Defendants' insatiable appetite for growth has created a need for
6 younger and younger users. Defendants' wrongfully acquired knowledge of their childhood
7 userbase has allowed them to develop product designs to target elementary school-age children,
8 who are uniquely vulnerable. Like Joe Camel of old, Defendants' recent attempts to capture pre-
9 adolescent audiences include "kid versions" of apps that are "designed to fuel [kids'] interest in
10 the grown-up version."⁴⁸

11 73. Recognizing the vulnerability of children under 13, particularly in the Internet age,
12 Congress enacted the Children's Online Privacy Protection Act ("COPPA") in 1999.⁴⁹ COPPA
13 regulates the conditions under which Defendants can collect, use, or disclose the personal
14 information of children under 13. Under COPPA, developers of apps and websites that are directed
15 to or known to be used by children under 13 cannot lawfully obtain the individually identifiable
16 information of such children without first obtaining verifiable consent from their parents.⁵⁰ Even
17 apart from COPPA, it is well established under the law that children lack the legal or mental
18 capacity to make informed decisions about their own well-being.

19 74. COPPA was enacted precisely because Congress recognized that children under age
20 13 are particularly vulnerable to being taken advantage of by unscrupulous website operators. As a
21 June 1998 report by the FTC observed, "[t]he immediacy and ease with which personal information
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23 ⁴⁸ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022),
24 <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->

⁴⁹ See 15 U.S.C. §§ 6501-6506.

25 ⁵⁰ The FTC recently clarified that acceptable methods for obtaining verifiable parent consent
26 include: (a) providing a form for parents to sign and return; (b) requiring the use of a credit/card
27 online payment that provides notification of each transaction; (c) connecting to trained personnel
28 via video conference; (d) calling a staffed toll-free number; (e) asking knowledge-based
questions; or (f) verifying a photo-ID from the parent compared to a second photo using facial
recognition technology. Federal Trade Commission, *Complying with COPPA: Frequently Asked
Questions*, July 2020, [https://www.ftc.gov/business-guidance/resources/complying-coppa-](https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions)
[frequently-asked-questions](https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions).

1 can be collected from children online, combined with the limited capacity of children to understand
2 fully the potentially serious safety and privacy implications of providing that information, have
3 created deep concerns about current information practices involving children online.”⁵¹ The same
4 report observed that children under the age of 13 “generally lack the developmental capacity and
5 judgment to give meaningful consent to the release of personal information to a third party.”⁵²

6 75. Contemporaneous testimony by the Chairman of the FTC observed that the
7 Internet “make[s] it easy for children to disclose personal information to the general public
8 without their parents’ awareness or consent. Such public disclosures raise safety concerns.”⁵³
9 Further, “the practice of collecting personal identifying information directly from children
10 without parental consent is clearly troubling, since it teaches children to reveal their personal
11 information to strangers and circumvents parental control over their family’s information.”⁵⁴

12 76. None of the Defendants conduct proper age verification or authentication. Instead,
13 each Defendant leaves it to users to self-report their age. This unenforceable and facially
14 inadequate system allows children under 13 to easily create accounts on Defendants’ apps.

15 77. This is particularly egregious for two reasons. *First*, Defendants have long been on
16 notice of the problem. For instance, in May 2011, Consumer Reports reported the “troubling
17 news” that 7.5 million children under 13 were on Facebook.⁵⁵ *Second*, given that Defendants have
18 developed and utilized age-estimation algorithms for the purpose of selling user data and targeted
19 advertisements, Defendants could readily use these algorithms to prevent children under 13 from
20

21 ⁵¹ *Privacy Online: A Report to Congress*, Federal Trade Commission (1998) at 13.
22 <https://www.ftc.gov/sites/default/files/documents/reports/privacy-online-report-congress/priv-23a.pdf>.

23 ⁵² *Privacy Online: A Report to Congress*, Federal Trade Commission (1998) at 13.
24 <https://www.ftc.gov/sites/default/files/documents/reports/privacy-online-report-congress/priv-23a.pdf>.

25 ⁵³ S. 2326, Children’s Online Privacy Protection Act of 1998: Hearing Before the U.S. Sen.
26 Subcom. On Communications, Comm. On Commerce, Science, and Transportation, 105th Cong.
11 (1998) (statement of Robert Pitofsky, Chairman, Federal Trade Commission).

27 ⁵⁴ S. 2326, Children’s Online Privacy Protection Act of 1998: Hearing Before the U.S. Sen.
28 Subcom. On Communications, Comm. On Commerce, Science, and Transportation, 105th Cong.
11 (1998) (statement of Robert Pitofsky, Chairman, Federal Trade Commission).

⁵⁵ Emily Bazelon, *Why Facebook is After Your Kids*, N.Y. Times (Oct. 12, 2011), <https://www.nytimes.com/2011/10/16/magazine/why-facebook-is-after-your-kids.html>.

1 accessing their products, but choose not to do so. Instead, they have turned a blind eye to
2 collecting children's data in violation of COPPA.

3 78. Defendants have done this because children are financially lucrative, particularly
4 when they are addicted to Defendants' apps.

5 **1. Children are uniquely susceptible to Defendants' addictive apps.**

6 79. Young people are not only Defendants' most lucrative market, but are also those
7 most vulnerable to harms resulting from Defendants' products. "Everyone innately responds to
8 social approval."⁵⁶ "[B]ut some demographics, in particular teenagers, are more vulnerable to it
9 than others."⁵⁷ Unlike adults, who "tend to have a fixed sense of self that relies less on feedback
10 from peers,"⁵⁸ adolescents are in a "period of personal and social identity formation" that "is now
11 reliant on social media."⁵⁹

12 80. To understand the impact Defendants' apps have on young people, it is helpful to
13 understand some basics about the human brain.

14 81. The frontal lobes of the brain—particularly the prefrontal cortex—control higher-
15 order cognitive functions. This region of the brain is central to planning and executive decision-
16 making, including the evaluation of risk and reward. It also helps inhibit impulsive actions and
17 "regulate emotional responses to social rewards."⁶⁰

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21 ⁵⁶ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int'l (July 27, 2016),
22 <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

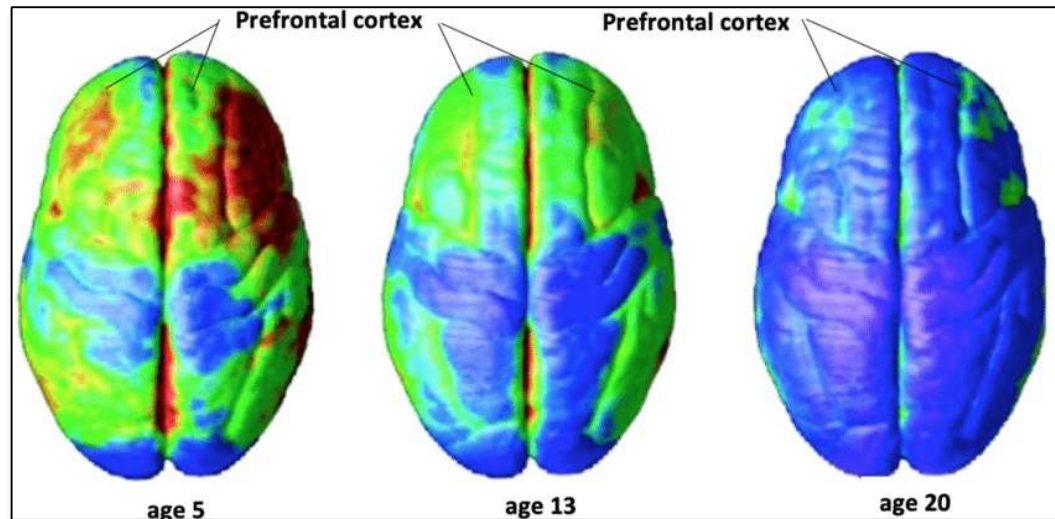
23 ⁵⁷ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int'l (July 27, 2016),
24 <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

25 ⁵⁸ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass'n
26 (Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

27 ⁵⁹ Betul Keles et al., *A systematic review: the influence of social media on depression, anxiety and*
28 *psychological distress in adolescents*, Int'l J. Adolescence & Youth (202) 25:1, 79–93 (Mar. 3, 2019),
https://www.researchgate.net/publication/331947590_A_systematic_review_the_influence_of_social_media_on_depression_anxiety_and_psychological_distress_in_adolescents.

⁶⁰ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass'n
(Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

82. Children and adolescents are especially vulnerable to developing harmful behaviors because their prefrontal cortex is not fully developed.⁶¹ Indeed, it is one of the last regions of the brain to mature.⁶² In the images below, the blue color depicts brain development.⁶³



83. Because of the immaturity of their prefrontal cortex, young people have less impulse control, and less ability to regulate their responses to social rewards, than adults.

84. Beginning around the age of 10, the brain also begins to change in important ways. Specifically, the receptors for dopamine multiply in the subcortical region of the brain.⁶⁴ Dopamine is a neurotransmitter that is central to the brain's reward system.⁶⁵

85. During this developmental phase, the brain learns to seek out stimuli (e.g., Instagram) that result in a reward (e.g., likes) and cause dopamine to flood the brain's reward pathways. Each time this happens, associations between the stimulus and the reward become

⁶¹ Nino Gugushvili et al., *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3, BMC Psych. 10, 279 (2022), <https://doi.org/10.1186/s40359-022-00990-7>.

⁶² Nino Gugushvili et al., *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3, BMC Psych. 10, 279 (2022), <https://doi.org/10.1186/s40359-022-00990-7>.

⁶³ Heiner Boettger, & Deborah Koeltesch, , *The fear factor: Xenoglossophobia or how to overcome the anxiety of speaking foreign languages*, 4, Training Language and Culture, 43-55 (June 2020), https://www.researchgate.net/figure/Development-of-the-cortex-functions-The-PFC_fig1_342501707.

⁶⁴ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass'n (Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

⁶⁵ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass'n (Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

stronger.⁶⁶ Notably, once the brain has learned to make this association, dopaminergic neurons “shift their ... activation from the time of reward delivery to the time of presentation of [a] predictive cue.”⁶⁷ In other words, the anticipation of a reward can itself trigger a dopamine rush.

86. As New York University professor and social psychologist Adam Alter has explained, product features such as “Likes” give users a dopamine hit similar to drugs and alcohol: “The minute you take a drug, drink alcohol, smoke a cigarette . . . when you get a like on social media, all of those experiences produce dopamine, which is a chemical that’s associated with pleasure. When someone likes an Instagram post, or any content that you share, it’s a little bit like taking a drug. As far as your brain is concerned, it’s a very similar experience.”⁶⁸

87. When the release of dopamine in young brains is manipulated by Defendants’ products, it interferes with the brain’s development and can have long-term impacts on an individual’s memory, affective processing, reasoning, planning, attention, inhibitory control, and risk-reward calibration.

88. Given their limited capacity to self-regulate and their vulnerability to peer pressure, children (including teens) are at greater risk of developing a mental disorder from use of Defendants’ products.⁶⁹ Children are more susceptible than adults to feelings of withdrawal when a dopamine hit wears off. Depending on the intensity, delivery, and timing of the stimulus, and

⁶⁶ See Bryo Adinoff, *Neurobiologic processes in drug reward and addiction*, 12(6) Harv. Rev. Psychiatry 305-320 (2004), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1920543/>.

⁶⁷ Luisa Speranza et al., Dopamine: The Neuromodulator of Long-Term Synaptic Plasticity, Reward and Movement Control, 10 Cells 735 (2021), <https://pubmed.ncbi.nlm.nih.gov/33810328/>.

⁶⁸ Eames Yates, *What happens to your brain when you get a like on Instagram*, Business Insider (Mar. 25, 2017), <https://www.businessinsider.com/what-happens-to-your-brain-like-instagram-dopamine-2017-3>; see also Sören Krach et al., *The rewarding nature of social interactions*, 4(22) Frontiers in Behav. Neuro., (28 May 2010), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2889690/pdf/fnbeh-04-00022.pdf>; Julian Morgans, *The Secret Ways Social Media Is Built for Addiction*, Vice (May 17, 2017), <https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-addiction>.

⁶⁹ Betül Keles et al., *A systematic review: the influence of social media on depression, anxiety and psychological distress in adolescents*, Int’l J. Adolescence & Youth (202) 25:1, 79–93 (Mar. 3, 2019), https://www.researchgate.net/publication/331947590_A_systematic_review_the_influence_of_social_media_on_depression_anxiety_and_psychological_distress_in_adolescents

1 the severity of its withdrawal, these feelings can include anxiety, dysphoria, and irritability.⁷⁰
2 Children also are more likely to engage in compulsive behaviors to avoid these symptoms, due to
3 their limited capacity for self-regulation, relative lack of impulse control, and struggle to delay
4 gratification.

5 89. This leads to a vicious cycle. Repeated spikes of dopamine over time may cause a
6 child to build up a tolerance for the stimulus. In this process of “neuroadaptation,” the production
7 of dopamine and the sensitivity of dopamine receptors are both reduced.⁷¹ As a consequence, the
8 child requires more and more of the stimulus to feel the same reward. Worse, this cycle can cause
9 decreases in activity in the prefrontal cortex, leading to further impairments of decision-making
10 and executive functioning.⁷²

11 90. As described further below, each Defendant deliberately designed, engineered, and
12 implemented dangerous features in their apps that present social-reward and other stimuli in a
13 manner that has caused so many young users to compulsively seek out those stimuli, develop
14 negative symptoms when they were withdrawn, and exhibit reduced impulse control and
15 emotional regulation.

16 91. In short, children find it particularly difficult to exercise the self-control required
17 to regulate their use of Defendants’ platforms, given the stimuli and rewards embedded in those
18 apps, and as a foreseeable consequence tend to engage in addictive and compulsive use.⁷³

19 **2. Defendants design their apps to attract and addict youth.**

20 92. Instagram, Facebook, TikTok, Snap, and YouTube employ many similar defective
21 and dangerous product features that are engineered to induce more use by young people—creating

22 ⁷⁰ George Koob, and Nora Volkow. *Neurobiology of addiction: a neurocircuitry analysis*, 3 (8)
23 *Lancet Psychiatry* 760-773 (2016),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6135092/pdf/nihms-985499.pdf>.

24 ⁷¹ George Koob, and Nora Volkow. *Neurobiology of addiction: a neurocircuitry analysis*, 3 (8)
25 *Lancet Psychiatry* 760-773 (2016),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6135092/pdf/nihms-985499.pdf>.

26 ⁷² George Koob & Nora Volkow. *Neurobiology of addiction: a neurocircuitry analysis*, 3 (8)
27 *Lancet Psychiatry* 760-773 (2016),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6135092/pdf/nihms-985499.pdf>.

28 ⁷³ Fulton Crews et al., *Adolescent cortical development: a critical period of vulnerability for addiction*, 86 *Pharmacology, Biochemistry and Behavior* 189-199 (2007),
<https://www.sciencedirect.com/science/article/pii/S009130570600400X>.

1 an unreasonable risk of compulsive use and addiction.⁷⁴ For instance, all five apps harvest user data
2 and use this information to generate and push algorithmically tailored “feeds” of photos and videos.
3 And all five include methods through which approval can be expressed and received, such as likes,
4 hearts, comments, shares, or reposts. This section explains the psychological and social
5 mechanisms exploited by these and other product defects.

6 93. *First*, Defendants’ apps are designed and engineered to methodically, but
7 unpredictably, space out dopamine-triggering rewards with dopamine gaps. The unpredictability is
8 key because, paradoxically, intermittent variable rewards (or “IVR”) create stronger associations
9 (conditioned changes in the neural pathway) than fixed rewards. Products that use this technique
10 are highly addictive or habit forming.

11 94. IVR is based on insights from behavioral science dating back to research in the
12 1950s by Harvard psychologist B. F. Skinner. Skinner found that laboratory mice respond most
13 voraciously to unpredictable rewards. In one famous experiment, mice that pushed a lever received
14 a variable reward (a small treat, a large treat, or no treat at all). Compared with mice who received
15 the same treat every time, the mice who received only occasional rewards were more likely to
16 exhibit addictive behaviors such as pressing the lever compulsively. This exploitation of neural
17 circuitry is exactly how addictive products like slot machines keep users coming back.

18 95. The IVR aspect of slot machines is limited by the fact that they deliver rewards in a
19 randomized manner, irrespective of the person pulling the lever. By contrast, Defendants’ apps are
20 designed to purposely withhold and release rewards on a schedule its algorithms have determined
21 is optimal to heighten a specific user’s craving and keep them using the product. For example,
22 TikTok will at times delay a video it knows a user will like until the moment before it anticipates
23 the user would otherwise log out. Instagram’s notification algorithm will at times determine that a
24
25

26 ⁷⁴ See Kevin Hurler, *For Sites Like Instagram and Twitter, Imitation Is the Only Form of Flattery*,
27 Gizmodo (Aug. 16, 2022), <https://gizmodo.com/instagram-tiktok-snapchat-facebook-meta-1849395419> (“Over the last decade, some of the most popular social media apps have blatantly
28 ripped off features from some of the other most popular social media apps, in a tech version of Capture the Flag where the only losers are the users who are forced to persist through this cat-and-mouse game.”).

1 particular user's engagement will be maximized if the app withholds "Likes" on their posts and
2 then later delivers them in a large burst of notifications.

3 96. Defendants' use of IVR is particularly effective on and dangerous for adolescents,
4 given the incomplete aspects of their brain maturation described above—including lack of impulse
5 control and reduced executive functions.

6 97. There are multiple types of dopamine neurons that are connected with distinct brain
7 networks and have distinct roles in motivational control. Apart from the dopamine reward loop
8 triggered by positive feedback, other dopamine neurons are impacted by salient but non-rewarding
9 stimuli and even painful-aversive stimuli.⁷⁵ Defendants' apps capitalize on this by algorithmically
10 ranking photos and videos that "engage" users because they present a dopamine pay-off, including
11 novel, aversive, and alarming images.

12 98. *Second*, there are multiple types of dopamine neurons that are connected with
13 distinct brain networks and have distinct roles in motivational control. Apart from the dopamine
14 reward loop triggered by positive feedback, other dopamine neurons are impacted by salient but
15 non-rewarding stimuli and even painful-aversive stimuli.⁷⁶ Defendants' apps capitalize on this by
16 algorithmically ranking photos and videos that "engage" users because they present a dopamine
17 pay-off, including novel, aversive, and alarming images.

18 99. *Third*, dangerous and defective features in Defendants' apps manipulate young users
19 through their exploitation of "reciprocity"—the psychological phenomenon by which people
20 respond to positive or hostile actions in kind. Reciprocity means that people respond in a friendly
21 manner to friendly actions, and with negative retaliation to hostile actions.⁷⁷ Phillip Kunz best
22 illustrated the powerful effect of reciprocity through an experiment using holiday cards. Kunz sent
23

24
25 ⁷⁵ J.P.H. Verharen, Yichen Zhu, and Stephan Lammel *Aversion hot spots in the dopamine system*
64 *Neurobiology* 46-52 (March 5, 2020) <https://doi.org/10.1016/j.conb.2020.02.002>.

26 ⁷⁶ J.P.H. Verharen, Yichen Zhu, and Stephan Lammel *Aversion hot spots in the dopamine system*
64 *Neurobiology* 46-52 (March 5, 2020) <https://doi.org/10.1016/j.conb.2020.02.002>.

27 ⁷⁷ Ernst Fehr & Simon Gächter, *Fairness and Retaliation: The Economics of Reciprocity*, 14(3) *J.*
28 *Econ. Persps.* 159–81 (2000), https://www.researchgate.net/profile/Ernst-Fehr-2/publication/23756527_Fairness_and_Retaliation_The_Economics_of_Reciprocity/links/5eb024e945851592d6b87d3b/Fairness-and-Retaliation-The-Economics-of-Reciprocity.pdf.

1 cards to a group of complete strangers, including pictures of his family and a brief note.⁷⁸ People
2 whom he had never met or communicated with before reciprocated, flooding him with holiday
3 cards in return.⁷⁹ Most of the responses did not even ask Mr. Kunz who he was—they simply
4 responded to his initial gesture with a reciprocal action.⁸⁰

5 100. Products like Instagram and Snapchat exploit reciprocity by, for example,
6 automatically telling a sender when their message is seen, instead of letting the recipient avoid
7 disclosing whether it was viewed. Consequently, the recipient feels more obligated to respond
8 immediately, keeping users on the product.⁸¹

9 101. *Fourth*, Defendants’ apps addict young users by preying on their already-heightened
10 need for social comparison and interpersonal feedback-seeking.⁸² Because of their relatively
11 undeveloped prefrontal cortex, young people are already predisposed to status anxieties, beauty
12 comparisons, and a desire for social validation.⁸³ Defendants’ apps encourage repetitive usage by
13 dramatically amplifying those insecurities.

14 102. Mitch Prinstein, Chief Science Officer for the American Psychology Association,
15 has explained that online and real-world interactions are fundamentally different.⁸⁴ For example, in
16 the real world, no public ledger tallies the number of consecutive days friends speak. Similarly,
17 “[a]fter you walk away from a regular conversation, you don’t know if the other person liked it, or

18 ⁷⁸ Phillip R. Kunz & Michael Woolcott, *Season’s Greetings: From my status to yours*, 5(3) Soc.
19 Sci. Rsch. 269–78 (Sept. 1976), [https://doi.org/10.1016/0049-089X\(76\)90003-X](https://doi.org/10.1016/0049-089X(76)90003-X).

20 ⁷⁹ Phillip R. Kunz & Michael Woolcott, *Season’s Greetings: From my status to yours*, 5(3) Soc.
21 Sci. Rsch. 269–78 (Sept. 1976), [https://doi.org/10.1016/0049-089X\(76\)90003-X](https://doi.org/10.1016/0049-089X(76)90003-X).

22 ⁸⁰ Phillip R. Kunz & Michael Woolcott, *Season’s Greetings: From my status to yours*, 5(3) Soc.
23 Sci. Rsch. 269–78 (Sept. 1976), [https://doi.org/10.1016/0049-089X\(76\)90003-X](https://doi.org/10.1016/0049-089X(76)90003-X).

24 ⁸¹ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016),
25 <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

26 ⁸² Jacqueline Nesi & Mitchell J Prinstein, *Using Social Media for Social Comparison and*
27 *Feedback-Seeking: Gender and Popularity Moderate Associations with Depressive Symptoms*, 43
28 J. Abnormal Child Psych. 1427–38 (2015),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985443/>.

⁸³ Susan Harter, *The Construction of the Self: Developmental and Sociocultural Foundations*
(Guilford Press, 2d ed., 2012) (explaining how, as adolescents move toward developing cohesive
self-identities, they typically engage in greater levels of social comparison and interpersonal
feedback-seeking).

⁸⁴ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass’n
(Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

1 if anyone else liked it.”⁸⁵ By contrast, a product defect like the “Snap Streak” creates exactly such
2 artificial forms of feedback.⁸⁶ On Defendants’ apps, friends and even complete strangers can deliver
3 (or withhold) dopamine-laced likes, comments, views, or follows.⁸⁷

4 103. The “Like” on Facebook, Instagram, TikTok, and YouTube or other comparable
5 features common to Defendants’ products has an especially powerful effect on teenagers and can
6 neurologically alter their perception of online posts. Researchers at UCLA used magnetic resonance
7 imaging to study the brains of teenage girls as they used Instagram. They found that girls’
8 perception of a photo changed depending on the number of likes it had generated.⁸⁸ That an image
9 was highly liked—regardless of its content—instinctively caused the girls to prefer it. As the
10 researchers put it, teens react to perceived “endorsements,” even if likes on social media are often
11 fake, purchased, or manufactured.⁸⁹

12 104. The design of Defendants’ apps also encourages unhealthy, negative social
13 comparisons, which in turn cause body image issues and related mental and physical disorders.
14 Given adolescents’ naturally vacillating levels of self-esteem, they are already predisposed to
15 comparing “upward” to celebrities, influencers, and peers they perceive as more popular.⁹⁰

16 ⁸⁵ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass’n
17 (Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

18 ⁸⁶ A “Snap Streak” is designed to measure a user’s Snapchat activity with another user. Two users
19 achieve a “Snap Streak” when they exchange at least one Snap in three consecutive 24-hour
periods. When successively longer “Streaks” are achieved, users are rewarded with varying tiers
of emojis.

20 ⁸⁷ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass’n
(Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

21 ⁸⁸ Lauren E. Sherman et al., *The Power of the Like in Adolescence: Effects of Peer Influence on*
Neural and Behavioral Responses to Social Media, 27(7) Psychol Sci. 1027
22 (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5387999/>

23 ⁸⁹ Lauren E. Sherman et al., *The Power of the Like in Adolescence: Effects of Peer Influence on*
Neural and Behavioral Responses to Social Media, 27(7) Psychol Sci. 1027 (2016),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5387999/>; see also Stuart Wolpert, *The teenage*
24 *brain on social media*, UCLA Newsroom (May 31, 2016),
<https://newsroom.ucla.edu/releases/the-teenage-brain-on-social-media>.

25 ⁹⁰ Jacqueline Nesi & Mitchell J Prinstein, *Using Social Media for Social Comparison and*
Feedback-Seeking: Gender and Popularity Moderate Associations with Depressive Symptoms, 43
26 *J. Abnormal Child Psych.* 1427–38 (2015),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985443/> (“Upward comparison occurs when
27 people compare themselves to someone they perceive to be superior[], whereas a downward
comparison is defined by making a comparison with someone perceived to be inferior[.]”); Jin-
28 Liang wang, Hai-Zhen Wang, James Gaskin, & Skyler Hawk, *The Mediating Roles of Upward*

1 Defendants' apps turbocharge this phenomenon. On Defendants' apps, users disproportionately
2 post "idealized" content,⁹¹ misrepresenting their lives. That is made worse by appearance-altering
3 filters built into Defendants' apps, which underscore conventional (and often racially biased)
4 standards of beauty, by allowing users to remove blemishes, make bodies and faces appear thinner,
5 and lighten skin-tone. Defendants' apps provide a continuous stream of these filtered and fake
6 appearances and experiences.⁹² That encourages harmful body image comparisons by adolescents,
7 who begin to negatively perceive their own appearance and believe their bodies, and indeed their
8 lives, are comparatively worse.⁹³

9 105. *Fifth*, Defendants' respective product features work in combination to create and
10 maintain a user's "flow-state": a hyper-focused, hypnotic state, where bodily movements are
11 reflexive and the user is totally immersed in smoothly rotating through aspects of the social media
12 product.⁹⁴

13
14
15 *Social Comparison and Self-esteem and the Moderating Role of Social Comparison Orientation*
16 *in the Association between Social Networking Site Usage and Subjective Well-Being*, *Frontiers in*
17 *Psychology* (May 2017),
[https://www.frontiersin.org/articles/10.3389/fpsyg.2017.00771/full#:~:text=Social%20comparison%20can%20be%20upward,inferior%20\(Wills%2C%201981\).](https://www.frontiersin.org/articles/10.3389/fpsyg.2017.00771/full#:~:text=Social%20comparison%20can%20be%20upward,inferior%20(Wills%2C%201981).)

18 ⁹¹ Jacqueline Nesi & Mitchell J Prinstein, *Using Social Media for Social Comparison and*
19 *Feedback-Seeking: Gender and Popularity Moderate Associations with Depressive Symptoms*, 43
20 *J. Abnormal Child Psych.* 1427–38 (2015),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985443/>;

21 ⁹² Jin Kyun Lee, *The Effects of Social Comparison Orientation on Psychological Well-Being in*
22 *Social Networking Sites: Serial Mediation of Perceived Social Support and Self-Esteem*, *Current*
23 *Psychology* (2020), <https://link.springer.com/content/pdf/10.1007/s12144-020-01114-3.pdf>.

24 ⁹³ Jin Kyun Lee, *The Effects of Social Comparison Orientation on Psychological Well-Being in*
25 *Social Networking Sites: Serial Mediation of Perceived Social Support and Self-Esteem*, *Current*
26 *Psychology* (2020), <https://link.springer.com/content/pdf/10.1007/s12144-020-01114-3.pdf>. See
27 also Nino Gugushvili et al., *Facebook use intensity and depressive symptoms: a moderated*
28 *mediation model of problematic Facebook use, age, neuroticism, and extraversion at 3*, *BMC*
Psych. 10, 279 (2022), <https://doi.org/10.1186/s40359-022-00990-7> (explaining that youth are
particularly vulnerable because they "use social networking sites for construing their identity,
developing a sense of belonging, and for comparison with others"); Jin Lee, *The effects of social*
comparison orientation on psychological well-being in social networking sites: serial mediation
of perceived social support and self-esteem, 41 *Current Psychology* 6247-6259 (2022),
<https://doi.org/10.1007/s12144-020-01114-3>.

⁹⁴ See e.g., *What Makes TikTok so Addictive?: An Analysis of the Mechanisms Underlying the*
World's Latest Social Media Craze, Brown Undergraduate J. of Pub. Health
(2021), <https://sites.brown.edu/publichealthjournal/2021/12/13/tiktok/> (describing how IVR and
infinite scrolling may induce a flow state in users).

106. As discussed in more detail below, defective features like the ones just described can cause or contribute to the following injuries in young people: eating and feeding disorders; depressive disorders; anxiety disorders; sleep disorders; trauma- and stressor-related disorders; obsessive-compulsive and related disorders; disruptive, impulse-control, and conduct disorders; suicidal ideation; self-harm; and suicide.⁹⁵

3. Millions of kids use Defendants' products compulsively.

107. Defendants have been staggeringly successful in their efforts to attract young users to their apps. In 2021, 32% of 7- to 9-year-olds,⁹⁶ 49% of 10- to 12-year-olds,⁹⁷ and 90% of 13- to 17-year-olds in the United States used social media.⁹⁸ A majority of U.S. teens use Instagram, TikTok, Snapchat, and/or YouTube. Thirty-two percent say they “wouldn’t want to live without” YouTube, while 20% said the same about Snapchat, and 13% said the same about both TikTok and Instagram.⁹⁹

108. U.S. teenagers who use Defendants’ products are likely to use them every day. Sixty-two percent of U.S. children ages 13-18 use social media daily.¹⁰⁰ And daily use often means constant use. About one-in-five U.S. teens visit or use YouTube “almost constantly,” while about

⁹⁵ E.g., Nino Gugushvili et al., *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion at 3*, BMC Psych. 10, 279 (2022), <https://doi.org/10.1186/s40359-022-00990-7> (collecting sources).

⁹⁶ *Sharing Too Soon? Children and Social Media Apps*, C.S. Mott Child’s Hosp. Univ. Mich. Health (Oct. 18, 2021), https://mottpoll.org/sites/default/files/documents/101821_SocialMedia.pdf.

⁹⁷ *Sharing Too Soon? Children and Social Media Apps*, C.S. Mott Child’s Hosp. Univ. Mich. Health (Oct. 18, 2021), https://mottpoll.org/sites/default/files/documents/101821_SocialMedia.pdf.

⁹⁸ *Social Media and Teens*, Am. Acad. Child & Adolescent Psychiatry (Mar. 2018), https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx; see also Victoria Rideout et al., *The Common Sense Census: Media Use by Tweens and Teens, 2021* at 5, Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

⁹⁹ Victoria Rideout et al., *Common Sense Census: Media use by tweens and teens, 2021* at 31, Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

¹⁰⁰ Victoria Rideout et al., *Common Sense Census: Media use by tweens and teens, 2021* at 31, Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

1 one-in-six report comparable usage of Instagram.¹⁰¹ Nearly half of U.S. teens use TikTok at least
2 “several times a day.”¹⁰² In one study, U.S. teenage users reported checking Snapchat thirty times
3 a day on average.¹⁰³

4 109. Teenagers know they are addicted to Defendants’ products: 36% admit they spend
5 too much time on social media.¹⁰⁴ Yet they can’t stop. Of the teens who use at least one social
6 media product “almost constantly,” 71% say quitting would be hard. Nearly one-third of this
7 population—and nearly one-in-five of *all* teens—say quitting would be “very hard.”¹⁰⁵

8 110. Notably, the more teens use Defendants’ apps, the harder it is to quit. Teens who
9 say they spend too much time on social media are almost twice as likely to say that giving up social
10 media would be hard, compared to teens who see their social media usage as about right.¹⁰⁶

11 111. Despite using social media frequently, most young people don’t particularly enjoy
12 it. In 2021, only 27% of boys and 42% of girls ages 8-18 reported liking social media “a lot.”¹⁰⁷
13 Moreover, one survey found that young people think social media is the main reason youth mental
14

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17 ¹⁰¹ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

18 ¹⁰² Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

20 ¹⁰³ Erinn Murphy et al., *Taking Stock with Teens, Fall 2021* at 13, Piper Sandler (2021),
21 <https://tinyurl.com/89ct4p88>; see also Emily Vogels et al., *Teens, Social Media and Technology*
2022, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

22 ¹⁰⁴ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

24 ¹⁰⁵ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

25 ¹⁰⁶ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

27 ¹⁰⁷ Victoria Rideout et al., *Common Sense Census: Media use by tweens and teens, 2021* at 34,
28 Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

1 health is getting worse.¹⁰⁸ About twice as many of the surveyed youth believed that social media is
2 the main reason for declining mental health than the next likely cause, and over *seven times* more
3 believed it to be the main cause rather than drugs and alcohol.¹⁰⁹

4 **4. Defendants’ defective products encourage dangerous “challenges.”**

5 112. Dangerous “viral” challenges are one particularly pernicious result of the defective
6 design of Defendants’ apps. “Online challenges or dares typically involve people recording
7 themselves doing something difficult, which they share online to encourage others to repeat.”¹¹⁰
8 These challenges often generate significant engagement—sometimes millions of likes or views—
9 and resulting social rewards to the users who post videos of themselves carrying out the challenges.
10 Predictably, a substantial portion of online challenges—created for the purpose of generating social
11 rewards—are very dangerous.

12 113. For example, one common social media challenge is the “Blackout Challenge,”
13 where youth are encouraged to make themselves faint by holding their breath and constricting their
14 chest muscles, or by restricting airflow with a ligature around their neck. This challenge is
15 dangerous because, should the participant fail to remove the ligature around their neck prior to
16 fainting, they may strangle themselves. Similarly, an “I Killed Myself” challenge involves
17 participants faking their own deaths to record their family members’ reactions upon believing their
18 loved one has died. This challenge is dangerous because certain methods of participating can
19 actually kill (or inflict catastrophic injury) on participants. Likewise, the game Russian Roulette—
20 in which a participant loads a revolver with a single bullet, spins the chamber until it falls on a
21 random slot, and then shoots themselves—has taken on new life as a social media challenge.

22 114. Again, these injuries and deaths are a foreseeable consequence of Defendants’
23 addictive product designs. Many other addictive products cause injury or death because
24

25 ¹⁰⁸ *Headspace (2018) National youth mental health survey 2018*, National Youth Mental Health
26 Foundation (2018), <https://headspace.org.au/assets/headspace-National-Youth-Mental-Health-Survey-2018.pdf>

27 ¹⁰⁹ *Headspace National Youth Mental Health Survey 2018*, National Youth Mental Health
28 Foundation (2018), <https://headspace.org.au/assets/headspace-National-Youth-Mental-Health-Survey-2018.pdf> (surveying more than 4,000 Australians ages 12-25).

¹¹⁰ TikTok, *Online Challenges*, <https://www.tiktok.com/safety/en-us/online-challenges/>..

1 neuroadaptation causes addicts to use increasingly extreme methods to maintain dopamine levels.
2 That compulsive use of social media would do the same was, at all relevant times, foreseeable,
3 particularly as to young users whose abilities to assess risks, make wise decisions, and regulate
4 their responses to perceived social needs are still developing.

5 115. Defendants are perfectly aware of the foreseeable risks to youth presented by their
6 apps’ “viral” promotion of dangerous challenges.

7 116. Defendants have encouraged the viral challenge phenomenon in spite of the fact that
8 their encouragement furthers dangerous challenges themselves and a broader ecosystem in which
9 those dangerous challenges occur.

10 117. Meta, TikTok, and YouTube use engagement-optimized algorithms to control users’
11 main feeds. Such algorithms spread extreme content as a consequence of its propensity to generate
12 engagement. That design defect foreseeably leads to dangerous challenges spreading easily on these
13 Defendants’ platforms.

14 118. Defendants have further encouraged challenges in other ways. ByteDance regularly
15 creates overlays and filters that facilitate viral challenges. It offers advertisers the ability to launch
16 Branded Hashtag Challenges and promotes them on user feeds.¹¹¹ It boasts that challenges are
17 “geared towards building awareness and engagement,” and that “research shows that they can
18 deliver strong results”—i.e., increased return on ad spending—“at every stage of the funnel.” This,
19 in turn, generates advertising revenue for ByteDance.

20 119. Snap also promotes viral challenges through Snapchat’s Snap Spotlight feature. It
21 gives cash prizes to challenge participants whose challenges receive the most views on Snap
22 Spotlight.¹¹² It has also created overlays that encourage challenges—such as a Speed Filter,
23 showing how fast a given user was going at the time they took a particular Snap.¹¹³ Other
24

25 ¹¹¹ TikTok for Business, *Branded Hashtag Challenge: Harness the Power of Participation* (Mar.
26 16, 2022), <https://www.tiktok.com/business/en-US/blog/branded-hashtag-challenge-harness-the-power-of-participation>.

27 ¹¹² “Snapchat adds ‘challenges’ with cash prizes to its TikTok competitor,” *The Verge*, Oct. 6,
28 2021, <https://www.theverge.com/2021/10/6/22711632/snapchat-spotlight-challenges-announced-cash-prizes-tiktok>.

¹¹³ *See Lemmon v. Snap, Inc.*, 995 F.3d 1085, 1085 (9th Cir. 2021).

Defendants have also promoted viral challenges based on a recognition that such challenges drive engagement and advertising revenue.

5. Defendants’ defective social media apps facilitate and contribute to the sexual exploitation and sextortion of children, and the ongoing production and spread of child sex abuse material online.

120. It is well documented that sexual predators use Defendants’ products to target and exploit minors. They are drawn to social media because it provides them with easy access to a large pool of potential victims, many of whom are addicted to Defendants’ products. On February 7, 2023, for example, the FBI and international law enforcement agencies issued a joint warning about the global “financial sextortion crisis” which stated: “Financial sextortion can happen anywhere, although it mainly occurs on the digital platforms where children are already spending their screen time, like social media and gaming websites, or video chat applications. On these platforms, predators often pose as girls of a similar age and use fake accounts to target young boys, deceiving them into sending explicit photos or videos. The predator then threatens to release the compromising materials unless the victim sends payment, however, in many cases, the predator will release the images anyway.”¹¹⁴

121. Rather than mitigate the risk of sexual exploitation and harm to children and teens on their products, Defendants have facilitated and exacerbated it by implementing defective product features that help sexual predators connect with children. Defendants’ products are designed in unsafe ways—including, as to some or all Defendants, flawed age verification, lack of meaningful mechanisms to prevent sham accounts, default-public profiles, matching and recommending connections between adults and minors, promoting unsolicited messages and interactions from adults, and wholly inadequate and ineffective parental controls, among others—that allow children to be easily identified, targeted, accessed, and exploited.

122. Compounding the problem, Defendants routinely fail to report abuse. Steve Grocki, the U.S. Department of Justice’s Chief of the Criminal Division’s Child Exploitation & Obscenity Section, put it this way: “A lot of times, someone has come across something problematic and the

¹¹⁴ International Law Enforcement Agencies Issue Joint Warning about global financial sextortion crisis, FBI (2023), <https://www.fbi.gov/news/press-releases/international-law-enforcement-agencies-issue-joint-warning-about-global-financial-sextortion-crisis>.

1 platform isn't doing anything[.]” He went on to say, “[t]hese reports can be of great value because
2 they signal where there are big problems and we can flag those issues to Internet companies, such
3 as when products are being exploited by offenders, they aren't meeting reporting requirements, or
4 when children under the age restriction are accessing inappropriate content.”¹¹⁵

5 123. By failing to implement adequate age and identity verification on the products,
6 Defendants knowingly and foreseeably place children in the pathways of sexual predators, who
7 utilize their products and exploit their defective design features. Age verification on Defendants’
8 products can be defective for a variety of reasons, including:

- 9 a. Inaccurate information: Users can easily enter false information, such as a
10 fake date of birth, to bypass age restrictions;
- 11 b. No measures to prevent sham accounts: Defendants’ products are structured
12 so that users can easily create multiple accounts under different names and
13 ages; and
- 14 c. Incomplete implementation: Defendants’ products only partially implement
15 age verification, such as requiring users to provide their date of birth but not
16 verifying it through any means.

17 124. To be sure, Defendants possess the technology to identify minors who are posing as
18 adults and adults who are posing as minors, but they do not use this information to identify violative
19 accounts and remove them from their products.

20 125. For example, by making minors’ profiles public by default, certain Defendants have
21 supplied sexual predators with detailed background information about children, including their
22 friends, activities, interests, and even location. By providing this information, these Defendants put
23 children at risk of being approached and befriended by sexual predators. These young targets had
24 no idea that their posts, friends, pictures, and general online sharing represented a windfall of
25 information that a predator could use to sexually exploit or abuse them.

26
27
28 ¹¹⁵ Equality Now, *Steve Grocki Expert Interview - United States* (Nov. 15, 2021),
<https://www.equalitynow.org/stories/steve-grocki-expert-interview-united-states/>.

1 126. Meta, ByteDance, and Google are aware of these very real risks that public-by-
2 default accounts for minors can cause by leaving minors broadly exposed to adult strangers, and
3 yet have only recently (in response to litigation) begun to create default privacy settings for youth
4 accounts—even though they have been aware of these harmful interactions for years.

5 127. Defendants have also lagged behind in restricting who can reach minor users
6 through Direct Message features.

7 128. Defendants' parental controls are also defective in giving parents effective control
8 over their children's online activity, which can lead to kids connecting with predators. These defects
9 take several forms:

- 10 a. Limited scope: parental control tools only partially cover a child's activity,
11 leaving gaps that predators can exploit;
- 12 b. Inadequate monitoring: parental control tools do not provide real-time
13 monitoring of a child's activity, meaning that harmful interactions with
14 predators go unnoticed;
- 15 c. Lack of customization: parents are not able to fully customize their parental
16 control settings to meet the specific needs of their family and children,
17 leaving them with a one-size-fits-all solution that is wholly ineffective in
18 preventing connections with predators; and
- 19 d. Opt-in format: parental control tools that require parents to affirmatively link
20 to their child's account are futile when parents are not notified that their
21 minor child has opened an account on the platform in the first place.

22 129. Defendants are well aware that vulnerable young users—whom Defendants induce
23 to spend large amounts of time on their products, through a powerful combination of algorithmic
24 recommendations and addictive features designed to make it hard for a user to disengage—are
25 uniquely susceptible to grooming by seasoned sexual predators. Research shows that young users
26 are heavily reliant on their social connections—exploring and shaping their identity through their
27 social relationships.
28

130. Defendants’ defective product features have benefited sexual predators in many other ways as well. For example, sexual predators leverage Defendants’ use of ephemeral, “disappearing” technology to assure young users that there is no risk to them sending a sexual photo or video. Trusting young users are then horrified to discover that these videos have been captured by predators and then circulated to their own friends and contacts or other sexual predators. In some severe cases, young users find themselves in the nightmarish scheme known as “sextortion,” where a predator threatens to circulate the sexual images of the minor unless the predator is paid to keep the images under wraps. Law enforcement agencies across the country report that this scheme has become pervasive on Defendants’ products.

C. META MARKETS AND DESIGNS FACEBOOK AND INSTAGRAM TO ADDICT YOUNG USERS, SUBSTANTIALLY CONTRIBUTING TO THE MENTAL HEALTH CRISIS

1. Background and overview of Meta’s products.

131. Meta operates and designs Facebook and Instagram, two of the world’s most popular social media products. In 2022, two billion users worldwide were active on Instagram each month, and almost three billion were monthly active users of Facebook.¹¹⁶ This enormous reach has been accompanied by enormous damage for adolescent users.

132. Meta understands that its products are used by kids under 13. It understands that its products are addictive. It understands that addictive use leads to problems. And it understands that these problems can be so extreme as to include encounters between adults and minors—and driven largely by a single product defect.¹¹⁷

133. Despite this knowledge, and rather than stand up a five-alarm effort to stop the problems created by its products, Meta has abjectly failed at protecting child users of Instagram and Facebook.

134. Meta has done next to nothing. And its reason was simple: growth. Taking action would lower usage of (and therefore lower profits earned from) a critical audience segment.

¹¹⁶ Alex Barinka, *Meta’s Instagram Users Reach 2 Billion, Closing In on Facebook*, Bloomberg (Oct. 26, 2022), <https://www.bloomberg.com/news/articles/2022-10-26/meta-s-instagram-users-reach-2-billion-closing-in-on-facebook>.

¹¹⁷ This defect, “People You May Know,” allows adults to connect with minors on Facebook and Instagram.

1 135. Meta’s frequent gestures towards youth safety were never serious and always driven
2 by public relations: Meta offered tools to kids and parents, like “time spent,” that it knew presented
3 false data. At the same time, Meta engaged in a cynical campaign to counter-message around the
4 addiction narrative by discrediting existing research as completely made up. Meta knew better.
5 Indeed, both Zuckerberg and Instagram CEO Adam Mosseri heard firsthand from a leading
6 researcher that Instagram and Facebook posed unique dangers to young people.

7 **b. Facebook’s acquisition and control of Instagram.**

8 136. On or around April 6, 2012, Zuckerberg called Kevin Systrom, one of the co-
9 founders of Instagram, offering to purchase his company.¹¹⁸

10 137. Instagram launched as a mobile-only app that allowed users to create, filter, and
11 share photos. On the first day of its release in October 2010, it gained a staggering 25,000 users.¹¹⁹
12 By April 2012, Instagram had approximately 27 million users. When Instagram released an
13 Android version of its app—right around the time of Zuckerberg’s call—it was downloaded more
14 than a million times in less than a day.¹²⁰ Instagram’s popularity is so widespread and image-based,
15 a new term has grown up around it for the perfect image or place: “Instagrammable.”¹²¹

16 138. On April 9, 2012, just days after Zuckerberg’s overture to Systrom, Facebook, Inc.
17 purchased Instagram, Inc. for \$1 billion in cash and stock. This purchase price was double the
18 valuation of Instagram implied by a round of funding the company closed days earlier.¹²²

21 ¹¹⁸ Nicholas Carlson, *Here’s The Chart That Scared Zuckerberg Into Spending \$1 Billion On*
22 *Instagram*, Insider (Apr. 14, 2012), [https://www.businessinsider.com/heres-the-chart-that-scared-](https://www.businessinsider.com/heres-the-chart-that-scared-zuckerberg-into-spending-1-billion-on-instagram-2012-4)
[zuckerberg-into-spending-1-billion-on-instagram-2012-4](https://www.businessinsider.com/heres-the-chart-that-scared-zuckerberg-into-spending-1-billion-on-instagram-2012-4).

23 ¹¹⁹ Dan Blystone, *Instagram: What It Is, Its History, and How the Popular App Works*,
24 Investopedia (Oct. 22, 2022), [https://www.investopedia.com/articles/investing/102615/story-](https://www.investopedia.com/articles/investing/102615/story-instagram-rise-1-photo0sharing-app.asp#:~:text=History%20of%20Instagram)
[instagram-rise-1-photo0sharing-app.asp#:~:text=History%20of%20Instagram](https://www.investopedia.com/articles/investing/102615/story-instagram-rise-1-photo0sharing-app.asp#:~:text=History%20of%20Instagram).

25 ¹²⁰ Kim-Mai Cutler, *From 0 to \$1 billion in two years: Instagram’s rose-tinted ride to glory*
26 TechCrunch (Apr. 9, 2012), [https://techcrunch.com/2012/04/09/instagram-story-facebook-](https://techcrunch.com/2012/04/09/instagram-story-facebook-acquisition/)
[acquisition/](https://techcrunch.com/2012/04/09/instagram-story-facebook-acquisition/).

27 ¹²¹ Sarah Frier, *No Filter* 81 (2020).

28 ¹²² Alexia Tsotsis, *Right Before Acquisition, Instagram Closed \$50M At A \$500M Valuation*
From Sequoia, Thrive, Greylock And Benchmark, TechCrunch (Apr. 9, 2012),
[https://techcrunch.com/2012/04/09/right-before-acquisition-instagram-closed-50m-at-a-500m-](https://techcrunch.com/2012/04/09/right-before-acquisition-instagram-closed-50m-at-a-500m-valuation-from-sequoia-thrive-greylock-and-benchmark/)
[valuation-from-sequoia-thrive-greylock-and-benchmark/](https://techcrunch.com/2012/04/09/right-before-acquisition-instagram-closed-50m-at-a-500m-valuation-from-sequoia-thrive-greylock-and-benchmark/).

139. Facebook, Inc. held its initial public offering less than two months after acquiring Instagram, Inc.¹²³

140. Zuckerberg's willingness to pay a premium for Instagram was driven by his instinct that Instagram would be vital to reaching a younger, smartphone-oriented audience—and thus critical to his company's going-forward success.

141. This was prescient. Instagram's revenue grew exponentially from 2015 to 2022.¹²⁴ A study conducted in the second quarter of 2018 showed that, over the prior year, advertisers' spending on Instagram grew by 177%—more than four times the growth of ad spending on Facebook.¹²⁵ Likewise, visits to Instagram rose by 236%, nearly *thirty* times the growth in site visits experienced by Facebook during the same period.¹²⁶ By 2021, Instagram accounted for over half of Meta's \$50.3 billion in net advertising revenues.¹²⁷

142. Meta has claimed credit for Instagram's success since its acquisition. Zuckerberg told market analysts that Instagram "wouldn't be what it is without everything that we put into it, whether that's the infrastructure or our advertising model."¹²⁸

143. Instagram has become the most popular photo-sharing social media product among teenagers and young adults in the United States. 62% of American teens use Instagram, with 10%

¹²³ Evelyn Rusli & Peter Eavis, *Facebook Raises \$16Billion in I.P.O.*, N.Y. Times (May 17, 2012), <https://archive.nytimes.com/dealbook.nytimes.com/2012/05/17/facebook-raises-16-billion-in-i-p-o/>.

¹²⁴ See Josh Constine, *Instagram Hits 1 Billion Monthly Users, Up From 800M in September*, TechCrunch (June 20, 2018), <https://techcrunch.com/2018/06/20/instagram-1-billion-users/> (showing meteoric rise in monthly active users over period and reporting year-over-year revenue increase of 70% from 2017-2018).

¹²⁵ Merkle, *Digital Marketing Report 3* (Q2 2018), https://www.merkleinc.com/thought-leadership/digital-marketing-report/digital-marketing-report-q2-2018_.

¹²⁶ Merkle, *Digital Marketing Report 19* (Q2 2018), <https://www.merkleinc.com/thought-leadership/digital-marketing-report/digital-marketing-report-q2-2018>.

¹²⁷ Sara Lebow, *For the First Time, Instagram Contributes Over Half of Facebook's US Ad Revenues*, eMarketer (Nov. 2, 2021), <https://www.emarketer.com/content/instagram-contributes-over-half-of-facebook-us-ad-revenues>.

¹²⁸ Salvador Rodriguez, *Mark Zuckerberg Is Adamant that Instagram Should Not Be Broken Off from Facebook*, CNBC (Oct. 20, 2019), <https://www.cnn.com/2019/10/30/mark-zuckerberg-is-adamant-that-instagram-should-remain-with-facebook.html>.

of users reporting that they use it “almost constantly.”¹²⁹ Instagram’s young user base has become even more important to Meta as the number of teens using Facebook has decreased over time.¹³⁰

144. Facebook’s and Instagram’s success, and the riches they have generated for Meta, have come at an unconscionable cost in human suffering. In September 2021, The Wall Street Journal began publishing internal documents leaked by former Facebook product manager Frances Haugen.¹³¹

145. The documents are disturbing. They reveal that, according to Meta’s researchers, 13.5% of U.K. girls reported more frequent suicidal thoughts and 17% of teen girls reported worsening eating disorders after starting to use Instagram.¹³² Over 40% of Instagram users who reported feeling “unattractive” said that feeling began while using Instagram,¹³³ and 32% of teen girls who already felt bad about their bodies felt even worse because of the app.¹³⁴

146. Internal Meta presentations from 2019 and 2020 were unsparing in their conclusions about the harms caused by Instagram: “We make body image issues worse for one in three teen

¹²⁹ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Research. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>; *see also* Piper Sandler, *Taking Stock With Teens* 19 (Fall 2021), https://piper2.bluematrix.com/docs/pdf/3bad99c6-e44a-4424-8fb1-0e3adfcdbd1d4.pdf?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axisam&stream=top (eighty-one percent of teens use Instagram at least once a month).

¹³⁰ Sheera Frenkel et al., *Instagram Struggles with Fears of Losing Its 'Pipeline': Young Users*, N.Y. Times (Oct. 26, 2021), available at <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html>.

¹³¹ The collection of Wall Street Journal articles are available online via the following link: <https://www.wsj.com/articles/the-facebook-files-11631713039?mod=bigtop-breadcrumb>.

¹³² Morgan Keith, *Facebook's Internal Research Found its Instagram Platform Contributes to Eating Disorders and Suicidal Thoughts in Teenage Girls, Whistleblower Says*, Insider (Oct. 3, 2021), <https://www.businessinsider.com/facebook-knows-data-instagram-eating-disorders-suicidal-thoughts-whistleblower-2021-10>.

¹³³ Georgia Wells, Jeff Horwitz, Deepa Seetharaman, *Facebook Knows Instagram is Toxic for Teen Girls, Company Documents Show*, Wall St. J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>; Facebook Staff, *Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the U.S.* 9 (Mar. 26, 2020), <https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf>.

¹³⁴ Billy Perrigo, *Instagram Makes Teen Girls Hate Themselves. Is That a Bug or a Feature?*, Time (Sept. 16, 2021), <https://time.com/6098771/instagram-body-image-teen-girls/>.

girls.” “Mental health outcomes related to this can be severe.” “Aspects of Instagram exacerbate each other to create a perfect storm.”¹³⁵

147. Haugen’s revelations made clear to the public what Meta has long known: in an effort to addict kids and promote usage, Meta’s products exploit the neurobiology of developing brains, and all the insecurities, status anxieties, and beauty comparisons that come along with it. In a bid for higher profits, Meta ignored the harms resulting from its overuse-oriented business model, which are widespread, serious, long-term, and in tragic instances fatal.

2. Meta intentionally encourages youth to use its products and then leverages that usage to increase revenue.

148. Facebook and Instagram owe their success to their defective design, including their underlying computer code and algorithms. Meta’s tortious conduct begins before a user has viewed, let alone posted, a single scrap of content.

149. Meta describes the Instagram product as a “mobile-first experience.”¹³⁶ Indeed, the great majority of Instagram users in the U.S. access Instagram through a mobile application for either the iOS or Android operating system.

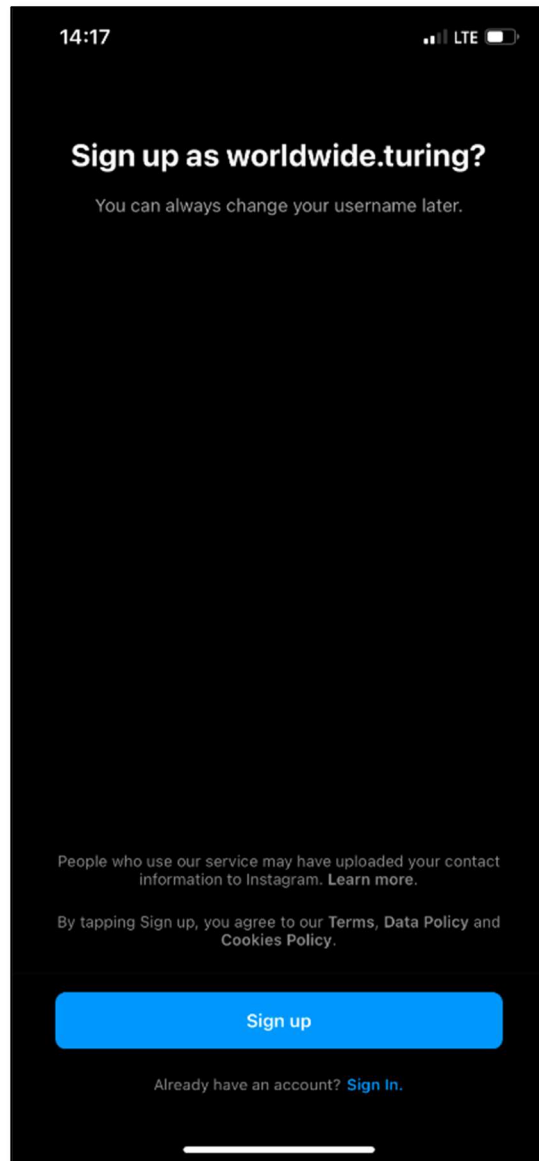
150. In order to use the Facebook or Instagram app, one must first obtain it. On a mobile device, this is accomplished by visiting a store from which the product can be downloaded—either the Apple App Store (for iPhone users) or the Google Play Store (for Android users). Once installed onto an individual’s smartphone, they can open the app. They are then asked to create a new account by entering an email address, adding a name, and creating a password and username.

151. A prospective Instagram or Facebook user is then invited to press a colorful button that says “Sign up.” In small print above this button, the user is informed: “By tapping Sign up, you agree to our Terms, Data Policy and Cookies Policy.” The text of those policies is not presented

¹³⁵ Georgia Wells, Jeff Horwitz, Deepa Seetharaman, *Facebook Knows Instagram is Toxic for Teen Girls, Company Documents Show*, Wall St. J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>; *Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the U.S.*, Wall St. J. (Sept. 29, 2021), <https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf>.

¹³⁶ Yorgos Askalidis, *Launching Instagram Messaging on Desktop*, Instagram (Sept. 25, 2020), <https://about.instagram.com/blog/engineering/launching-instagram-messaging-on-desktop>.

1 on the sign-up page. While the words “Terms,” “Data Policy,” and “Cookies Policy” are slightly
2 bolded, the user is not informed that they can or should click on them, or otherwise told how they
3 can access the policies.



152. Meta’s Data Policy (rebranded as a “Privacy Policy” in 2022), which applies to a
raft of Meta apps, including Facebook and Instagram,¹³⁷ indicates Meta collects a breathtaking
amount of data from the users of its products, including:

- a. “[c]ontent that you create, such as posts, comments or audio;”

¹³⁷ Meta, *Privacy Policy*, Meta (Jan. 1 2023),
<https://mbasic.facebook.com/privacy/policy/printable/#annotation-1>.

- b. “[c]ontent you provide through our camera feature or your camera roll settings, or through our voice-enabled features;”
- c. “[I]nformation you've shared with us through device settings, such as GPS location, camera access, photos and related metadata;”
- d. “[m]essages that you send and receive, including their content;”
- e. “Metadata about content and messages;”
- f. “[t]ypes of content that you view or interact with, and how you interact with it;”
- g. “[t]he time, frequency and duration of your activities on our products;”
- h. “your contacts' information, such as their name and email address or phone number, if you choose to upload or import it from a device, such as by syncing an address book;”
- i. information about “What you're doing on your device (such as whether our app is in the foreground or if your mouse is moving);”
- j. “device signals from different operating systems,” including “things such as nearby Bluetooth or Wi-Fi connections;”
- k. “[i]nformation about the network that you connect your device to,” which includes “The name of your mobile operator or Internet service provider (ISP), Language, Time zone, Mobile phone number, IP address, Connection speed, Information about other devices that are nearby or on your network, Wi-Fi hotspots you connect to using our products;” and
- l. “information from . . . third parties, including . . . [m]arketing and advertising vendors and data providers, who have the rights to provide us with your information.”

153. While the Data Policy indicates the scope of user information collected by Meta through Facebook and Instagram, it is far less forthcoming about the purposes for which this data is collected, and its consequences for younger users.

1 154. The Data Policy presents those goals as benign and even positive for its users—“to
2 provide a personalized experience to you” and to “make suggestions for you such as people you
3 may know, groups or events that you may be interested in or topics that you may want to follow.”

4 155. The Data Policy does not inform users that the more time individuals spend using
5 Facebook and Instagram, the more ads Meta can deliver and the more money it can make, or that
6 the more time users spend on Facebook and Instagram, the more Meta learns about them, and the
7 more it can sell to advertisers the ability to micro-target highly personalized ads.¹³⁸

8 156. Meta monetizes its users and their data by selling ad placements to marketers. Meta
9 generated \$69.7 billion from advertising in 2019, more than 98% of its total revenue for the year.¹³⁹

10 157. Given its business model, Meta has every incentive to—and knowingly does—
11 addict users to Facebook and Instagram. It accomplishes this through the algorithms that power its
12 apps, which are designed to induce compulsive and continuous scrolling for hours on end, operating
13 in conjunction with the other defective features described throughout this Complaint.¹⁴⁰

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15
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17 ¹³⁸ Nor does it inform users that Meta has allowed third-party apps to harvest from Facebook
18 “vast quantities of highly sensitive user and friends permissions.” *In re Facebook, Inc.*, No. 18-
19 md-02843-VC, ECF No. 1104 at 9 (N.D. Cal. Feb. 9, 2023). This has included an app called
20 Sync.Me, which—according to Meta’s internal investigative documents—“had access to many
21 ‘heavyweight’ permissions,” “including the user’s entire newsfeed, friends’ likes, friends’
22 statuses, and friends’ hometowns.” *In re Facebook, Inc.*, No. 18-md-02843-VC, ECF No. 1104 at
23 9 (N.D. Cal. Feb. 9, 2023). It has included Microstrategy, Inc., which accessed data from “16 to
24 20 million” Facebook users, despite only being installed by 50,000 people. *In re Facebook, Inc.*,
25 No. 18-md-02843-VC, ECF No. 1104 at 9 (N.D. Cal. Feb. 9, 2023). And it has included one
26 Yahoo app that made “billions of requests” for Facebook user information, including “personal
27 information about those users’ friends, including the friends’ education histories, work histories,
28 religions, politics, ‘about me’ sections, relationship details, and check-in posts.” *In re Facebook, Inc.*, No. 18-md-02843-VC, ECF No. 1104 at 9-10 (N.D. Cal. Feb. 9, 2023).

¹³⁹ Rishi Iyengar, *Here’s How Big Facebook’s Ad Business Really Is*, CNN (July 1, 2020),
<https://www.cnn.com/2020/06/30/tech/facebook-ad-business-boycott>.

¹⁴⁰ See Christian Montag, et al., *Addictive Features of Social Media/Messenger Platforms and Freemium Games against the Background of Psychological and Economic Theories*, 16 Int’l J. Env’t Rsch. and Pub. Health 2612, 5 (July 2019),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6679162/> (“One technique used to prolong usage time in this context is the endless scrolling/streaming feature.”); see generally, Ludmila Lupinacci, ‘Absentmindedly scrolling through nothing’: liveness and compulsory continuous connectedness in social media, 43 Media, Culture & Soc’y 273 (2021),
<https://journals.sagepub.com/doi/epdf/10.1177/0163443720939454> (describing the ways that users use and experience social media apps).

1 158. Meta’s Data Policy contains no warnings whatsoever that use of its products at the
2 intensity and frequency targeted by Meta creates known risks of mental, emotional, and behavioral
3 problems for children, Instagram’s key audience.

4 159. Instagram’s collection and utilization of user data begins the instant a user presses
5 “Sign Up.” At that point, Instagram prompts a new user to share a substantial amount of personal
6 data. First, Instagram asks the user to share their personal contacts, either by syncing contacts from
7 their phone and/or syncing their “Friends” from Facebook—“We’ll use your contacts to help you
8 find your friends and help them find you.” Next, Instagram asks the new user to upload a photo of
9 themselves. After that, Instagram asks the user to “Choose your interests” in order to “Get started
10 on Instagram with account recommendations tailored to you.” And finally, Instagram invites the
11 new user to “Follow accounts to see their photos and videos in your feed,” offering a variety of
12 recommendations. After sign-up is completed, Instagram prompts the new user to post either a
13 photo or a short video.

14 160. Meta’s collection and utilization of user data continues unabated as a new user
15 begins to interact with its products. Meta’s tracking of behavioral data—ranging from what the user
16 looks at, to how long they hover over certain images, to what advertisements they click on or
17 ignore—helps Meta build out a comprehensive and unique fingerprint of the user’s identity. As the
18 user continues to use the product, Meta’s algorithm works silently in the background to refine this
19 fingerprint, by continuously monitoring and measuring patterns in the user’s behavior. Meta’s
20 algorithm is sophisticated enough that it can leverage existing data to draw educated inferences
21 about even the user behavior it does not track firsthand. Meta’s comprehensive data collection
22 allows it to target and influence its users in order to increase their “engagement” with its apps.

23 161. Meta’s collection and analysis of user data allows it to assemble virtual dossiers on
24 its users, covering hundreds if not thousands of user-specific data segments. This, in turn, allows
25 advertisers to micro-target marketing and advertising dollars to very specific categories of users,
26 who can be segregated into pools or lists using Meta’s data segments. Only a fraction of these data
27 segments come from content knowingly designated by users for publication or explicitly provided
28 by users in their account profiles. Many of these data segments are collected by Meta through covert

1 surveillance of each user's activity while using the product and when logged off the product,
2 including behavioral surveillance that users are unaware of, like navigation paths, watch time, and
3 hover time. Essentially, the larger Meta's user database grows, the more time the users spend on
4 the database, and the more detailed information that Meta can extract from its users, the more
5 money it makes.

6 162. Currently, advertisers can target Instagram and Facebook ads to young people based
7 on age, gender, and location.¹⁴¹ According to U.S.-based non-profit Fairplay, Meta did not actually
8 cease collecting data from teens for advertising in July 2021, as Meta has claimed.¹⁴²

9 163. Meta clearly understands the revenue and growth potential presented by its youngest
10 users, and it is desperate to retain them. Documents obtained by *The New York Times* indicate, that
11 since 2018, almost all of Instagram's \$390 million global marketing budget has gone towards
12 showing ads to teenagers.¹⁴³

13 164. Before the rise of Instagram, Facebook was the social media product by which Meta
14 targeted young users. Until recently, when youth Facebook usage began to drop, this targeting was
15 devastatingly effective.

16 165. While the number of teen Facebook users has declined in recent years, Facebook
17 remains critical to Meta's strategy towards young users. Meta views Facebook as the nexus of teen
18 users' lives on social media, and as filling a similar role for such users as the career-focused social
19 media product LinkedIn fills for adults.

20 166. To create this cycle, and notwithstanding restrictions under COPPA, Meta has
21 targeted kids as young as six. The centerpiece of these efforts is Messenger Kids ("MK").¹⁴⁴

22 ¹⁴¹ Andrea Vittorio, *Meta's Ad-Targeting to Teens Draws Advocacy Group Opposition*,
23 Bloomberg (Nov. 16, 2021), <https://news.bloomberglaw.com/privacy-and-data-security/metad-targeting-to-teens-draws-advocacy-group-opposition>.

24 ¹⁴² Andrea Vittorio, *Meta's Ad-Targeting to Teens Draws Advocacy Group Opposition*,
25 Bloomberg (Nov. 16, 2021), <https://news.bloomberglaw.com/privacy-and-data-security/metad-targeting-to-teens-draws-advocacy-group-opposition>.

26 ¹⁴³ Sheera Frenkel, et al, *Instagram Struggles With Fears of Losing Its 'Pipeline': Young Users*
27 N.Y. Times (Oct. 16, 2021), <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html>.

28 ¹⁴⁴ Nick Stat, *Facebook launches a version of Messenger for young children*, The Verge
(December 4, 2022) <https://www.theverge.com/2017/12/4/16725494/facebook-messenger-kids-app-launch-ios-iphone-preview>.

1 167. Meta was also eager to market its products to tweens—users aged 10-12. Although
2 Meta employees publicly denied using children as “guinea pigs” to develop product features,
3 internally Meta was intensely interested in children’s use of their apps.¹⁴⁵

4 168. Meta has studied features and designs from its other products to make Instagram as
5 attractive and addictive as possible to young users. Meta’s flagship product Facebook was the
6 original testing ground for many of Instagram’s addicting and otherwise defective features, which
7 the two products share to this day. This feature overlap is no accident: it represents a conscious
8 strategy adopted by Meta to keep social media users hooked on its “family” of products for their
9 entire lives.

10 169. From the beginning, both the Facebook and Instagram products have exploited
11 vulnerabilities in human psychology to addict users and maximize user time and engagement.
12 Facebook’s first President, Sean Parker, summed up the devastating impact of this product design
13 in a 2017 interview:

14 God only knows what it's doing to our children's brains. . . . The
15 thought process that went into building these applications, Facebook
16 being the first of them, . . . was all about: ‘How do we consume as
17 much of your time and conscious attention as possible?’ . . . And that
18 means that we need to sort of give you a little dopamine hit every
19 once in a while, because someone liked or commented on a photo or
20 a post And that’s going to get you to contribute more content,
21 and that’s going to get you . . . more likes and comments. . . . It’s a
22 social-validation feedback loop . . . exactly the kind of thing that a
23 hacker like myself would come up with, because you’re exploiting a
24 vulnerability in human psychology. . . . The inventors, creators —
25 it’s me, it’s Mark [Zuckerberg], it’s Kevin Systrom on Instagram, it’s
26 all of these people — understood this consciously. And we did it
27 anyway.¹⁴⁶

28 Tellingly, many tech leaders, including individuals with inside knowledge of the defects of
Meta’s social media products, either ban or severely limit their own children’s access to screen

¹⁴⁵ John Twomey, *Molly Russell Inquest Latest: Teenager Viewed Suicide Videos of ‘Most Distressing Nature’*, Express (Sept. 23, 2022), <https://www.express.co.uk/news/uk/1673461/Molly-Russell-inquest-latest-Teenager-suicide-videos-instagram>.

¹⁴⁶ Mike Allen, *Sean Parker unloads on Facebook: “God only knows what it’s doing to our children’s brains,”* Axios (Nov. 9, 2017), <https://www.axios.com/2017/12/15/sean-parker-unloads-on-facebook-god-only-knows-what-its-doing-to-our-childrens-brains-1513306792>.

1 time and social media.¹⁴⁷ Such leaders in the field include Tim Cook and former Facebook
2 executives Tim Kendall and Chamath Palihapitiya.¹⁴⁸

3 **3. Meta intentionally designed product features to addict children and**
4 **adolescents.**

5 170. Meta designed Facebook and Instagram with harmful defects that users encounter
6 at every stage of interaction with the product. These defects, which have harmed adolescents that
7 use the products, include but are not limited to: (a) recommendation algorithms, fueled by extensive
8 data collection, which are designed to promote use in quantities and frequency harmful to
9 adolescents; (b) product features that prey upon children's desire for validation and need for social
10 comparison; (c) product features that are designed to create harmful loops of repetitive and
11 excessive product usage; (d) lack of effective mechanisms, despite having the ability to implement
12 them, to restrict children's usage of the products; (d) inadequate parental controls, and facilitation
13 of unsupervised use of the products; and (e) intentionally placed obstacles to discourage cessation
14 of use of the products.

15 171. Facebook and Instagram have been designed, maintained, and constantly updated
16 by one of the world's most wealthy, powerful, and sophisticated corporations. Large teams of
17 expert data scientists, user experience ("UX") researchers, and similar professionals have spent
18 years fine-tuning these products to addict users. Every aspect of the products' interfaces, each layer
19 of their subsurface algorithms and systems, and each line of underlying code has been crafted by
20 brilliant minds. Every detail—the color of product icons, the placement of buttons within the

21
22 ¹⁴⁷ Samuel Gibbs, *Apple's Tim Cook: "I Don't Want My Nephew on a Social Network"*, The
23 Guardian (Jan. 19, 2018), <https://www.theguardian.com/technology/2018/jan/19/tim-cook-i-dont-want-my-nephew-on-a-social-network#:~:text=The%20head%20of%20Apple%2C%20Tim,it%20was%20announced%20on%20Friday;James Vincent,Former Facebook Exec Says Social Media is Ripping Apart Society>, The
24 Verge (Dec. 11, 2017), <https://www.theverge.com/2017/12/11/16761016/former-facebook-exec-ripping-apart-society>.

25 ¹⁴⁸ Samuel Gibbs, *Apple's Tim Cook: "I Don't Want My Nephew on a Social Network"*, The
26 Guardian (Jan. 19, 2018), <https://www.theguardian.com/technology/2018/jan/19/tim-cook-i-dont-want-my-nephew-on-a-social-network#:~:text=The%20head%20of%20Apple%2C%20Tim,it%20was%20announced%20on%20Friday;James Vincent,Former Facebook Exec Says Social Media is Ripping Apart Society>, The
27 Verge (Dec. 11, 2017), <https://www.theverge.com/2017/12/11/16761016/former-facebook-exec-ripping-apart-society>.
28

1 interface, the timing of notifications, etc.—is designed to increase the frequency and length of use
2 sessions. Therefore, it is impractical to create a comprehensive list of addictive, harm-causing
3 defects in the product until in-depth discovery occurs. Many product features, such as the inner
4 workings of Meta’s algorithms, are secret and unobservable to users. Discovery during this
5 litigation will reveal additional detail about the defective, addictive, and harmful design of Meta’s
6 products.

7 a. **Facebook’s and Instagram’s algorithms maximize engagement,**
8 **promoting use at levels and frequency that is harmful to kids.**

9 172. Meta has invested its vast resources to intentionally design Facebook and Instagram
10 to be addictive to adolescents, all the while concealing these facts from its users and the public.

11 173. In its original form, Meta’s Facebook and Instagram algorithms ranked
12 chronologically, meaning that a particular user’s feed was organized according to when content
13 was posted or sent by the people the user followed. In 2009, Meta did away with Facebook’s
14 chronological feed in favor of engagement-based ranking; in 2016, it did the same on Instagram.
15 This “engagement-based” system meant that posts that received the most likes and comments were
16 highlighted first for users. But facing declining engagement, Meta redesigned its algorithms once
17 again in or around early 2018. This change prioritized “meaningful social interaction” (“MSI”),
18 with the goal of showing users content with which they were more likely to engage. The MSI-
19 oriented algorithms purportedly emphasize the interactions of users’ connections; e.g., likes and
20 comments, and give greater significance to the interactions of connections that appear to be closest
21 to users. Meta’s current algorithms consider a post’s likes, shares, and comments, as well as a
22 respective user’s past interactions with posts with similar characteristics, and displays the post in
23 the user’s feed if it meets these and certain other benchmarks.

24 174. While Meta has publicly attempted to cast MSI as making time spent on its platforms
25 more “meaningful,” MSI was actually just another way for Meta to increase user engagement on
26 Instagram and Facebook. While the feature increases the likelihood that an interaction will be
27 “meaningful” by Meta’s definition—more likes, comments, and interactions—it does not consider
28 whether recommended content is “meaningful” to the user. This sets up users who may have reacted

1 negatively to upsetting or dangerous posts to see more of the same. That, in turn, can lead to a
2 “horrible feedback loop/downward spiral”—with negative reactions leading the algorithm to
3 present more posts that generate more negative reactions.

4 175. In algorithmically generating users’ feeds, Meta draws upon the vast amount of data
5 it collects about and from its users. Meta’s algorithms combine the user’s profile (e.g., the
6 information posted by the user on the product) and the user’s dossier (the data collected and
7 synthesized by Meta, to which it assigns categorical designations) along with a dossier of similar
8 users. Meta’s algorithms identify and rank recommended posts to optimize for various outcomes,
9 such as for time-spent by a user or for user engagement. More often than not, this has the effect that
10 Meta’s algorithms direct users to alarming and aversive material.

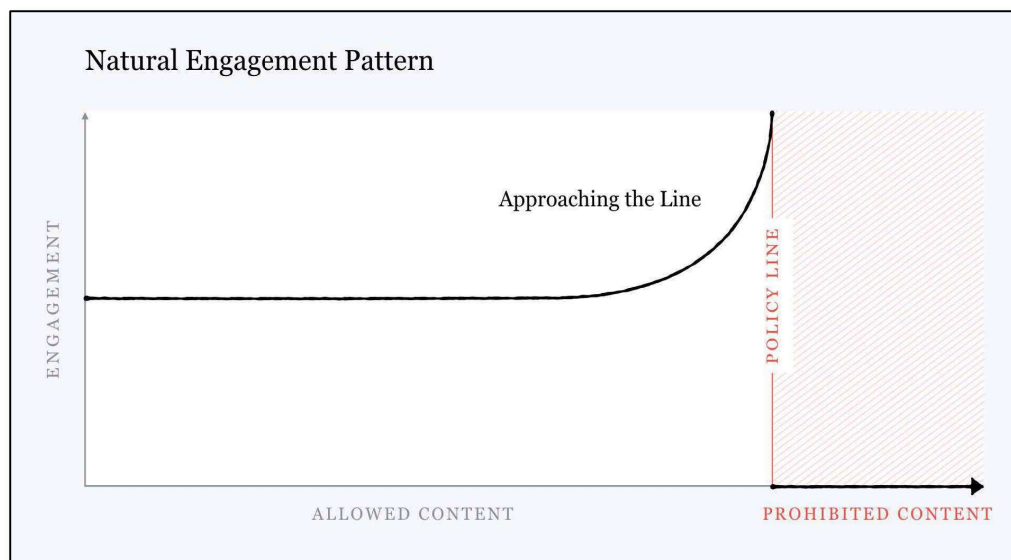
11 176. Much of what Meta shows users is content that they did not sign up for. Meta often
12 overrides users’ explicit preferences because they conflict with Meta’s predictions of what will get
13 shared and engaged.

14 177. Through its algorithms, Meta intentionally supplants the content that users have
15 elected to see with content that it believes will drive more use and engagement. Thus, the products
16 that Meta touts as “[g]iv[ing] people the power to build community and bring[ing] the world closer
17 together,” are actually designed in a way that prioritizes not social connection but product use at
18 all costs, even to the detriment of the health and safety of young people.¹⁴⁹ The result, for Meta, is
19 an increase in its bottom line. The result for young users is products that are so addictive that they
20 return again and again, even when the products push posts they’re not interested in.

21 178. Meta knew that its engagement-based ranking algorithm (and its subsequent,
22 iterative MSI ranking algorithm) was structured in a way that mean that content which produces
23 intense reactions (i.e., strong engagement) triggers amplification by the apps. This propels users
24 into the most reactive experiences, favoring posts that generate engagement because they are
25 extreme in nature. Zuckerberg publicly recognized this in a 2018 post, in which he demonstrated
26 the correlation between engagement and sensational content that is so extreme that it impinges upon
27

28 ¹⁴⁹ Meta, *Mission Statement*, Meta, <https://about.meta.com/company-info/>.

Meta's own ethical limits, with the following chart:¹⁵⁰ While Zuckerberg went on to claim that Meta had designed its algorithms to avoid this natural propensity of engagement-based algorithms, his claim to the public is belied by extensive research indicating Meta's products do amplify extreme material.



179. Meta intentionally designed its MSI-focused algorithms to collect and analyze several kinds of data: a user's profile, content the user reports, content the user posts, content viewed, content engaged with, navigation paths, watch time, hover time (the amount of time a user viewed a piece of content), whether a user mutes or unmutes a video, and whether a user makes a full video screen, among other data. Meta uses this data from adolescents to predict what posts will capture the user's attention. Meta also tracks and utilizes data from various other sources, such as a user's off-product activities and the activities on websites that contain Facebook or Instagram like or share buttons.¹⁵¹

180. Meta's algorithmic ranking is utilized in a variety of product features that are designed by Meta to maximize user engagement.

¹⁵⁰ Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement*, Facebook, <https://www.facebook.com/notes/751449002072082/>.

¹⁵¹ Allen St. John, *How Facebook Tracks You, Even When You're Not on Facebook*, Consumer Reports (April 11, 2018), <https://www.consumerreports.org/privacy/how-facebook-tracks-you-even-when-youre-not-on-facebook-a7977954071/>.

181. For example, the Instagram product consists primarily of a never-ending and user-specific Feed, which Instagram’s data-driven algorithms generate for each user. In the app’s “Home” pane, this feed includes (but is not limited to) photos and videos posted by Instagram users that the user has elected to “follow,” as well as recommended photos and videos. In the app’s “Explore” pane, the feed consists almost exclusively of photos and videos from users the user has *not* elected to “follow.” In both cases, Instagram’s algorithms evaluate each user’s data to predict what material will maximize their attention and time spent using the product, irrespective of what the user wants to see.

182. Other “recommendation” features that are similarly algorithmically powered include Facebook’s Newsfeed, Instagram’s Feed, Instagram Reels, Facebook Reels, Facebook Watch (and its “For You” page), Accounts to Follow, People You May Know (introductions to persons with common connections or backgrounds), Groups You Should Join, and Discover (recommendations for Meta groups to join).

183. These product features work in combination to create and maintain a user’s “flow-state”: a hyper-focused, hypnotic state, where bodily movements are reflexive and the user is totally immersed in smoothly rotating through aspects of the social media product.¹⁵²

184. They also create a phenomenon referred to as “feeding the spiral,” where someone feeling bad sees content that makes them feel bad and they engage with it. Then there Instagram is flooded with it, like an echo chamber screaming their most upsetting thoughts back at them. Meta recognizes that Instagram users at risk of suicide or self-injury are more likely to encounter more harmful self-injury and suicide-related content their feeds.

185. This phenomenon was cast into vivid relief when 14 year-old Molly Russell took her own life after viewing reams of content related to suicide, self-injury, and depression on Instagram and several other products.¹⁵³ During an official inquest investigating the role that social

¹⁵² See e.g., *What Makes TikTok so Addictive?: An Analysis of the Mechanisms Underlying the World’s Latest Social Media Craze*, Brown Undergraduate J. of Pub. Health (2021), <https://sites.brown.edu/publichealthjournal/2021/12/13/tiktok/> (describing how IVR and infinite scrolling may induce a flow state in users).

¹⁵³ Dan Milmo, *Social Media Firms ‘Monetising Misery’, Says Molly Russell’s Father After Inquest*, The Guardian (Sept. 20, 2022), <https://www.theguardian.com/uk->

1 media products played in her death, a Meta executive said that such content was “safe” for children
2 to see.¹⁵⁴ The coroner rejected this claim, finding instead that Molly “died from an act of self-harm
3 whilst suffering from depression and the negative effects of on-line content” that she had not sought
4 out, but that the products’ algorithms had pushed on her.¹⁵⁵ “The platform operated in such a way
5 using algorithms as to result, in some circumstances, of binge periods of images, video clips and
6 text some of which were selected and provided without Molly requesting them. These binge
7 periods ... are likely to have had a negative effect on Molly.... In some cases, the content was
8 particularly graphic, tending to portray self-harm and suicide as an inevitable consequence of a
9 condition that could not be recovered from. The sites normalised her condition focusing on a limited
10 and irrational view without any counterbalance of normality.”¹⁵⁶ The coroner further observed that
11 “[t]here was no age verification when signing up to the on-line platform” and that Molly’s parents
12 “did not have access, to the material being viewed or any control over that material.”¹⁵⁷

13 186. Despite Molly’s death, and notwithstanding Meta’s research into dangerous
14 spirals—at one point dubbed the “Rabbit hole project”—the company did nothing to stop harm to
15 its young users.

16 **b. Facebook’s and Instagram’s user interfaces are designed to**
17 **create addictive engagement.**

18 187. To further drive user engagement (and thereby drive data collection and advertising
19 revenue), Facebook and Instagram also utilize a series of design features that are carefully
20

21

news/2022/sep/30/molly-russell-died-while-suffering-negative-effects-of-online-content-rules-
22 coroner.

23 ¹⁵⁴ Ryan Merrifield, *Molly Russell Inquest: Instagram Boss Says Suicidal Posts Shouldn’t Be*
Banned From App, The Mirror (Sept. 26, 2022), [https://www.mirror.co.uk/news/uk-news/molly-](https://www.mirror.co.uk/news/uk-news/molly-russell-inquest-instagram-boss-28085269)
[russell-inquest-instagram-boss-28085269](https://www.mirror.co.uk/news/uk-news/molly-russell-inquest-instagram-boss-28085269).

24 ¹⁵⁵ Ryan Merrifield, *Molly Russell Inquest: Instagram Boss Says Suicidal Posts Shouldn’t Be*
Banned From App, The Mirror (Sept. 26, 2022), [https://www.mirror.co.uk/news/uk-news/molly-](https://www.mirror.co.uk/news/uk-news/molly-russell-inquest-instagram-boss-28085269)
[russell-inquest-instagram-boss-28085269](https://www.mirror.co.uk/news/uk-news/molly-russell-inquest-instagram-boss-28085269).

25 ¹⁵⁶ Andrew Walker, H.M. Coroner, *Regulation 28 Report to Prevent Future Deaths 2* (Oct. 13,
26 2022), [https://www.judiciary.uk/wp-content/uploads/2022/10/Molly-Russell-Prevention-of-](https://www.judiciary.uk/wp-content/uploads/2022/10/Molly-Russell-Prevention-of-future-deaths-report-2022-0315_Published.pdf)
[future-deaths-report-2022-0315_Published.pdf](https://www.judiciary.uk/wp-content/uploads/2022/10/Molly-Russell-Prevention-of-future-deaths-report-2022-0315_Published.pdf).

27 ¹⁵⁷ Andrew Walker, H.M. Coroner, *Regulation 28 Report to Prevent Future Deaths 2* (Oct. 13,
28 2022), [https://www.judiciary.uk/wp-content/uploads/2022/10/Molly-Russell-Prevention-of-](https://www.judiciary.uk/wp-content/uploads/2022/10/Molly-Russell-Prevention-of-future-deaths-report-2022-0315_Published.pdf)
[future-deaths-report-2022-0315_Published.pdf](https://www.judiciary.uk/wp-content/uploads/2022/10/Molly-Russell-Prevention-of-future-deaths-report-2022-0315_Published.pdf).

1 calibrated to exploit users' neurobiology. These features work in tandem with algorithmic ranking
2 to promote addictive engagement.

3 188. *First*, Meta programs IVR into its products. Behavioral training via intermittent
4 rewards keeps users endlessly scrolling in search of a dopamine release, oftentimes despite their
5 desire to put their phone down and move onto other activities. Children, who are less likely to have
6 adequate impulse control than adults, are more susceptible to being drawn into this engineered
7 "flow state" and more likely to grow dependent on Facebook or Instagram.

8 189. *Second*, Facebook and Instagram utilize "Likes" to control the release of dopamine
9 in children. This feature, which Meta created for Facebook and "introduced ... to the world" in
10 2010, allows users to indicate that they "Like" a post and visibly tallies the number of "Likes" any
11 given post has earned.¹⁵⁸ Instagram launched in 2010 with the like feature built-in—a user can
12 "Like" a post simply by tapping a heart-shaped button.

13 190. As with a slot machine, users never know when a like will come. This conditions
14 them to stay on the app. But it also exacerbates issues of social comparison and feedback seeking,
15 creating detrimental effects on adolescent physical and mental health.

16 191. Meta has expanded the likes feature in both Facebook and Instagram. In December
17 2016, Meta began allowing users to like comments, not just posts. In February 2022, Meta began
18 allowing users to "Like" Instagram Stories.¹⁵⁹ Expanding the like feature has intensified and
19 multiplied the body of feedback that teen users receive (or don't receive) on their posts, preying on
20 their desire to seek validation through comparison with others.

21 192. Despite its ability to alleviate the negative impact of likes on younger users, Meta
22 chose only to implement half-measures. Meta created the option for users to hide like counts in
23 May 2021, but it made this an optional setting left off by default.¹⁶⁰ Moreover, the number of likes

25 ¹⁵⁸ Ray C. He, *Introducing new Like and Share Buttons*, Meta (Nov. 6, 2013),
26 <https://developers.facebook.com/blog/post/2013/11/06/introducing-new-like-and-share-buttons/>.

27 ¹⁵⁹ Jhinuk Sen, *Instagram is adding Likes to Stories so it doesn't clog up people's inboxes*,
28 Business Today (Feb. 15, 2022), <https://www.businesstoday.in/technology/news/story/instagram-is-adding-likes-to-stories-so-it-doesnt-clog-up-peoples-inboxes-322661-2022-02-15>.

¹⁶⁰ Meta, *Giving People More Control on Instagram and Facebook* (May 26, 2021),
<https://about.fb.com/news/2021/05/giving-people-more-control/>.

1 remain visible to the poster of the content. These changes stop short of resolving the issue of
2 negative social comparison that these score-keeping features inflict.

3 193. *Third*, Meta has designed its video features in several ways geared to maximizing
4 users' flow state and keeping them immersed in its products for longer periods of time. Video clips
5 on Facebook Reels and Instagram Reels automatically play as a user scrolls and automatically
6 restart once they conclude. Reels cannot be paused and tapping on the video will simply mute its
7 audio. In addition, Meta imposes limits on the length of video content on Reels (currently 90
8 seconds, and at times as short as 15 seconds). These limits ensure that users do not become bored
9 by long videos and end their sessions.

10 194. Meta designed the comment features of Reels to minimize any disruption to users'
11 heightened flow state. The interface of Reels displays the "Like," "Comment," "Save," and "Share"
12 buttons on the bottom right of the screen. This placement avoids the milliseconds of delay or
13 discomfort that could disrupt the flow state of right-handed users if placed elsewhere on the screen.
14 Furthermore, these buttons are overlaid on top of the continuously playing clips, to eliminate any
15 temporal or visual interruption during which a user might evaluate whether to continue using the
16 product. Likewise, when a user taps to view the comments on a Reel, the video's audio and the top
17 quarter of the video continue to play behind the comments section. Again, this design feature keeps
18 the user's attention on the feed.

19 195. In keeping with its study of IVR, Meta knows when to strategically interrupt a user's
20 flow. Occasionally, while a video is playing, a comment from the video will appear on the bottom
21 of the screen, even without the user tapping to view the comments section. These comments are
22 selected, displayed, and timed intentionally, to retain a user's attention by engaging with the
23 comments section.

24 196. *Fourth*, Meta carefully (and defectively) calibrates the notifications it sends outside
25 of the Facebook and Instagram apps, to maximize success in drawing back users who are not
26 presently using the products. By default, Facebook and Instagram notify users through text and
27 email about activity that might be of interest, which prompts users to open and reengage with the
28 products. However, Meta intentionally chooses to display only a limited amount of information in

1 notifications, in order to trigger curiosity and manipulate the user to click or tap through to the
2 product.¹⁶¹

3 197. Meta's studied manipulation of user engagement through notifications is
4 particularly detrimental to teenagers, who lack impulse control and crave social rewards, and who
5 are therefore more susceptible to falling into compulsive patterns of product use. Those harms are
6 compounded by the fact that Meta sends push notifications in the middle of the night, prompting
7 children to re-engage with Instagram and Facebook the apps when they should be sleeping.
8 Disturbed and insufficient sleep is associated with poor health outcomes.¹⁶²

9 198. *Fifth*, the "Stories" feature of both Facebook and Instagram is defectively designed
10 to create artificial urgency so that users return to the apps. "Stories" was added by Meta in response
11 to the growing popularity of Snapchat with teenagers in 2016. "Stories" appear at the top of a user's
12 home page upon opening the app and are available to view for only 24 hours, after which they
13 disappear. This creates pressure to use the product daily, or else risk missing out on dopamine-
14 causing stimuli or social interactions. This feature is particularly addicting to adolescent users, who
15 feel increased social pressure to view all their contact's stories each day before the content
16 disappears, thus increasing their compulsive usage and potential addiction to the product.¹⁶³ The
17 ephemeral nature of disappearing content is a ploy intended to inspire urgent perusal, and it
18 works.¹⁶⁴

19 199. *Sixth*, Instagram's and Facebook's algorithms are structured to recommend
20 "keywords" or "hashtags" to its young users that lead them to navigate to dangerous content.

22 ¹⁶¹ *Clickbait*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/clickbait>.

23 ¹⁶² Nat'l Inst. of Mental Health, *The Teen Brain: Still Under Construction* 6 (2011),
24 http://www.ncdsv.org/images/NIMH_TeenBrainStillUnderConstruction_2011.pdf.

25 ¹⁶³ Sarah Lempa, *Why Are Instagram Stories So Addicting?*, Healthline (April 5, 2021),
26 <https://www.healthline.com/health/why-are-instagram-stories-so-addicting#The-story-behind-the-Stories>.

27 ¹⁶⁴ Madiha Jamal, *Ephemeral Content — The Future of Social Media Marketing*, Better
28 Marketing (March 2, 2021), <https://bettermarketing.pub/ephemeral-content-the-future-of-social-media-marketing-996d265916c2#:~:text=Ephemeral%20content%20relates%20to%20the,WhatsApp%20Stories%20C%20and%20LinkedIn%20Stories>.

1 200. All of the above defects, in addition to the Instagram-specific defects discussed in
2 the section that follows, interact with and compound one another to make Meta’s products addictive
3 and harmful for kids.

4 201. Meta has long been aware of this dangerous and toxic brew, yet has Meta failed to
5 invest in adequate tools to limit the harm their products inflicted on users.

6 202. Meta’s failure to prevent compulsive use by children, and the harms resulting
7 therefrom, are a simple function of its misplaced priorities: Profit over safety.

8 203. Meta’s decision to hook teenage users by rewiring their brains has not aged well for
9 some of its former employees. Chamath Palihapitiya, the former Vice President of User Growth at
10 Facebook, admitted that he feels “tremendous guilt” about his contributions to social media, saying
11 “[t]he short-term, dopamine-driven feedback loops that we have created are destroying how society
12 works.”¹⁶⁵

13 c. **Instagram’s defective product features cause negative**
14 **appearance comparison and social comparison**

15 204. Instagram use by teens is associated with negative impacts on body image, social
16 comparison, eating issues, confidence in friendships, and mental health, including anxiety,
17 depression, and suicidal thoughts. Teen users feel worse about themselves while using Instagram.
18 Some even link their negative feelings to the platform.

19 205. Social comparison is particularly bad on Instagram because, among other things,
20 celebrity and influencer content is pervasive. By manufacturing and emphasizing influence and
21 celebrity, and purposely inundating tween and teen users with those accounts, Meta further exploits
22 and monetizes social comparison. That has come at a direct cost to the mental health of its teens
23 users, who are more susceptible to body dissatisfaction and negative social comparisons.

24 206. Score-keeping features designed into Instagram amplify these problems. Teenage
25 girls are particularly impacted when comparing like counts, follower counts, views, and comments
26 on their posts to those of models, celebrities, and so-called influencers.

27 ¹⁶⁵ Amy B. Wang, *Former Facebook VP says social media is destroying society with ‘dopamine-*
28 *driven feedback loops’*, Wash. Post (Dec. 12, 2017), <https://www.washingtonpost.com/news/the-switch/wp/2017/12/12/former-facebook-vp-says-social-media-is-destroying-society-with-dopamine-driven-feedback-loops/>.

1 207. Instagram compounds the foregoing problems with yet another pernicious feature—
2 image “filters” that allow users to engage in selective self-presentation by altering their appearance
3 in photos and videos. These filters allow facial structure alteration, body slimming, skin lightening,
4 skin tanning, blemish clearing, the artificial overlap and augmentation of makeup, and other
5 beautification “improvements.”¹⁶⁶

6 208. These filters have harm young users in multiple ways, both independently and in
7 concert with Instagram’s other defective features.¹⁶⁷

8 209. *First*, the easy accessibility of filters, combined with features such as “Likes,”
9 encourage adolescents to artificially change their appearances.¹⁶⁸ As noted, adolescents naturally
10 seek social validation. When they notice increased interaction and favorable responses to their
11 filter-edited photos (more “Likes” and comments”), many are led to believe they are only attractive
12 when their images are edited.¹⁶⁹ These young people begin to prefer how they look using filters,
13 not as they appear naturally.¹⁷⁰ In a 2016 study, 52% of girls said they use image filters every day,
14 and 80% have used an app to change their appearance before age 13.¹⁷¹

15 210. *Second*, because Instagram already promotes a high degree of social comparison,
16 youth find themselves comparing their real-life appearances to the edited appearances not only of
17

18 ¹⁶⁶ T. Mustafa, *An ‘Instagram Vs Reality’ filter is showing how toxic photo editing can be*, Metro
19 (April 2021); <https://metro.co.uk/2021/04/30/an-instagram-vs-reality-tool-is-showing-how-toxic-filters-can-be-14498265/>.

20 ¹⁶⁷ Anna Haines, *From ‘Instagram Face’ To ‘Snapchat Dysmorphia’: How Beauty Filters Are*
21 *Changing The Way We See Ourselves*, Forbes (Apr. 27, 2021),
<https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

22 ¹⁶⁸ Tate Ryan-Mosley, *Beauty Filters Are Changing the Way Young Girls See Themselves*, MIT
23 Tech. Rev. (Apr. 2, 2021), <https://www.technologyreview.com/2021/04/02/1021635/beauty-filters-young-girls-augmented-reality-social-media/amp/>.

24 ¹⁶⁹ Tate Ryan-Mosley, *Beauty Filters Are Changing the Way Young Girls See Themselves*, MIT
25 Tech. Rev. (Apr. 2, 2021), <https://www.technologyreview.com/2021/04/02/1021635/beauty-filters-young-girls-augmented-reality-social-media/amp/>.

26 ¹⁷⁰ Poojah Shah, *How Social Media Filters Are Affecting Youth*, Parents (Apr. 28, 2022),
<https://www.parents.com/kids/health/childrens-mental-health/how-social-media-filters-are-affecting-youth/>.

27 ¹⁷¹ Anna Haines, *From ‘Instagram Face’ to ‘Snapchat Dysmorphia’: How Beauty Filters Are*
28 *Changing the Way We See Ourselves*, Forbes (Apr. 27, 2021),
<https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c2d58704eff>.

1 themselves but of others online.¹⁷² These false and unrealistic body image standards further lead
2 teenagers to develop negative perceptions of their appearance. 77% of girls reported trying to
3 change or hide at least one part of their body before posting a photo of themselves, and 50% believe
4 they did not look good without editing.¹⁷³

5 211. *Third*, the specific changes filters make to an individual's appearance can cause
6 negative obsession or self-hatred surrounding aspects of their appearance.¹⁷⁴ The filters alter
7 specific facial features such as eyes, lips, jaw, face shape, and slimness, which often require medical
8 intervention to alter in real life.¹⁷⁵ The pervasiveness of Meta-designed filters through the algorithm
9 permeates Instagram and causes adolescent users to negatively compare their real appearances
10 against a false physical reality.¹⁷⁶ In one recent study, even users who reported a higher initial self-
11 esteem level felt they looked 44% worse before their image was edited using a filter.¹⁷⁷ "[W]hen
12 the . . . filter increased the gap between how participants wanted to look and how they felt they
13 actually looked, it reduced their self-compassion and tolerance for their own physical flaws."¹⁷⁸ As

17 ¹⁷² See *Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the U.S.*, Wall. St. J. (Sept. 29, 2021), <https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf> (explaining that users forget that Instagram only shows the highlights of people's lives and is not depicting reality).

19 ¹⁷³ Anna Haines, *From 'Instagram Face' to 'Snapchat Dysmorphia': How Beauty Filters Are Changing the Way We See Ourselves*, Forbes (Apr. 27, 2021), <https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c2d58704eff>.

21 ¹⁷⁴ Tonya Russell, *Social Media Filters Are Changing How Young People See Themselves*, Teen Vogue (Jan. 25, 2022), <https://www.teenvogue.com/story/social-media-filters-how-young-people-see-themselves/amp>.

23 ¹⁷⁵ Tonya Russell, *Social Media Filters Are Changing How Young People See Themselves*, Teen Vogue (Jan. 25, 2022), <https://www.teenvogue.com/story/social-media-filters-how-young-people-see-themselves/amp>.

24 ¹⁷⁶ Tonya Russell, *Social Media Filters Are Changing How Young People See Themselves*, Teen Vogue (Jan. 25, 2022), <https://www.teenvogue.com/story/social-media-filters-how-young-people-see-themselves/amp>.

26 ¹⁷⁷ Ana Javornik, Ben Marder, Marta Pizzetti, & Luk Warlop, *Research: How AR Filters Impact People's Self-Image*, Harvard Business Review (December 22, 2021), <https://hbr.org/2021/12/research-how-ar-filters-impact-peoples-self-image>.

28 ¹⁷⁸ Ana Javornik, Ben Marder, Marta Pizzetti, & Luk Warlop, *Research: How AR Filters Impact People's Self-Image*, Harvard Business Review (December 22, 2021), <https://hbr.org/2021/12/research-how-ar-filters-impact-peoples-self-image>.

1 one psychodermatologist has summed it up, “these apps subconsciously implant the notion of
2 imperfection and ugliness, generating a loss of confidence.”¹⁷⁹

3 212. *Fourth*, Meta has intentionally designed its product to not alert adolescent users
4 when images have been altered through filters or edited. Meta has therefore designed its product so
5 that users cannot know which images are real and which are fake, deepening negative appearance
6 comparison.

7 213. The impact of the negative social and appearance comparison caused by Meta’s
8 defective product features is profound. Instagram-induced social comparison creates a schism
9 between the ideal self and the real self, leading to distress and depression. Filters, especially in
10 combination with other product features, cause body image issues, eating disorders, body
11 dysmorphia, and related harms.¹⁸⁰

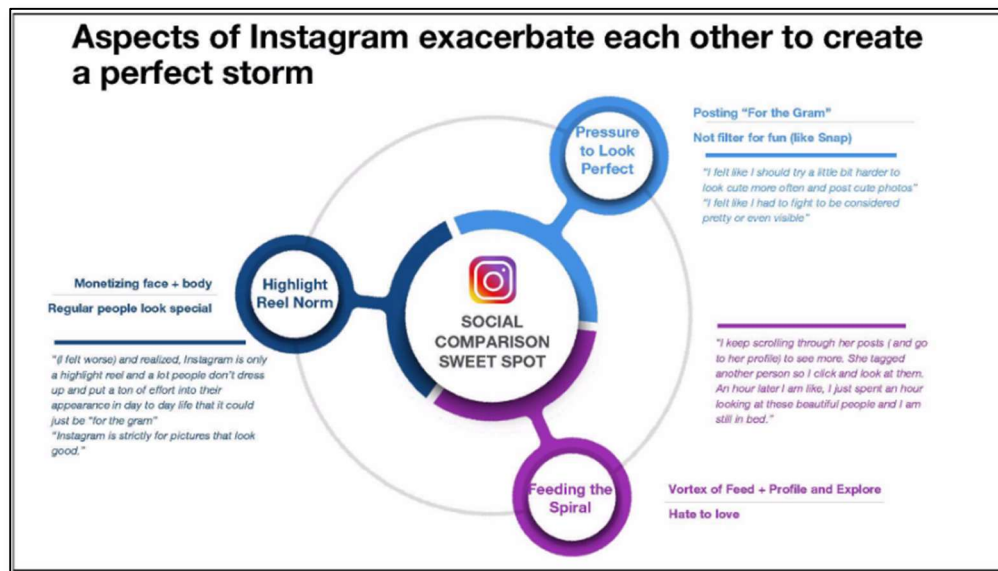
12 214. The various product defects built into Instagram exacerbate each other, creating a
13 perfect storm. Posting for the ‘gram creates a pressure to look perfect.¹⁸¹ The ability of influencers
14 to monetize their face body creates a highlight reel norm. And “feeding the spiral” creates
15 compulsive use.¹⁸² Taken together, these three features—all driven by very specific design features
16 of Instagram—create a social comparison sweet spot:

20 ¹⁷⁹ Genesis Rivas, *The Mental Health Impacts of Beauty Filters on Social Media Shouldn’t Be Ignored – Here’s Why*, InStyle (Sept. 14, 2022), <https://www.instyle.com/beauty/social-media-filters-mental-health>.

21 ¹⁸⁰ See Sian McLean, Susan Paxton, Eleanor Wertheim, & Jennifer Masters, *Photoshopping the Selfie: Self Photo Editing and Photo Investment Are Associated with Body Dissatisfaction in Adolescent Girls*, 48 Int’l J. of Eating Disorders 1132, 1133 (Aug. 27, 2015), <https://pubmed.ncbi.nlm.nih.gov/26311205/> (presenting a 2015 study involving 101 adolescent girls, which found that more time spent editing and sharing selfies on social media raised their risk of experiencing body dissatisfaction and disordered eating habits.); Scott Griffiths, Stuart Murray, Isabel Krug, & Sian McLean, *The Contribution of Social Media to Body Dissatisfaction, Eating Disorder Symptoms, and Anabolic Steroid Use Among Sexual Minority Men*, 21 Cyberpsychology Behavior, and Soc. Networking 149, 149 (Mar. 1, 2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5865626/>.

27 ¹⁸¹ *Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the U.S.*, Wall. St. J. (Sept. 29, 2021), <https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf>.

28 ¹⁸² *Id.*



183

215. Meta understands that the social comparison it knowingly enables through appearance filters create compulsive behavior among child users, especially when paired with other defects such as likes and algorithmic recommendations.

216. Despite its awareness that the deliberate design of Instagram was drastically damaging teen mental and physical health, Meta ignored the problem, failing to implement its own researchers' recommendations.

d. Meta has failed to implement effective age-verification measures to keep children off of Facebook and Instagram.

217. Meta purports to ban children under the age of 13 from using its products but, at all relevant times, has lacked any reliable form of age verification to prevent such use.

218. Other online products employ substantially more effective and reliable age verification schemes before granting children access. These include but are not limited to connecting new users to parents' accounts, credit card verification, verification by presentation of identification card (or other government-issued document), or linking a verified undergraduate or professional email, among other methods. Meta chooses not to implement any of these systems, even though they are technologically feasible, used by many companies across the Internet, and could be employed at relatively low cost. Indeed, Meta itself uses an age verification technique for

¹⁸³ *Id.*

1 its Facebook Dating product that it claims can verify ages without identifying users—but does not
2 use the same technology at account startup for Facebook or Instagram.¹⁸⁴

3 219. For most of its history, Meta knew that children under the age of 13 were using its
4 apps. And it certainly could have figured this out based on posted photos of elementary school age
5 users. Yet Meta continued to promote and target Facebook and Instagram to children. As long as a
6 new user simply clicked a box confirming that they were at least 13 years old, Meta asked no
7 questions, engaged in zero follow-up, and let the user access the products indefinitely.

8 220. This minimal age verification procedure is toothless. Meta does not as a default
9 matter require users to verify their ages upon signing up to use Instagram or Facebook. Users are
10 only asked to self-report their birthday:

When's Your Birthday?

December 31, 2022

You can choose who can see this from your profile.
Why do I need to provide my birthday?

Continue

September	28	2019
October	29	2020
November	30	2021
December	31	2022
January	1	2023
February	2	2024
March	3	2025

Add your birthday

This won't be part of your public profile.
Why do I need to provide my birthday?

December 31, 2022

Use your own birthday, even if this account is for a business, a pet or something else.

Next

September	28	2019
October	29	2020
November	30	2021
December	31	2022
January	1	2023
February	2	2024
March	3	2025

(Facebook, January 2023)

(Instagram, January 2023)

23 221. If the user reports a birthday indicating they are less than 13 years old, they are
24 informed that they cannot create an account. However, after acknowledging this message, users can
25 *immediately* reattempt to create an account and input an eligible birthday. When a user enters an
26 eligible birthday, there are no restrictions to creating an account, other than having it linked to a

27 ¹⁸⁴ Erica Finkle, Meta Director of Data Governance, *Bringing Age Verification to Facebook*
28 *Dating*, Meta (Dec. 5, 2022), <https://about.fb.com/news/2022/12/facebook-dating-age-verification/>.

1 cell phone number or an email address. In other words, Meta routinely allows pre-teens to
2 misrepresent their age as 13 or 40 or any other age—without so much as asking for proof. This is
3 analogous to selling a teenager alcohol who has admitted to being under 21 but then promptly
4 changed his story.

5 222. The upshot is that, in a matter of seconds, and without age verification, identity
6 verification, or parental consent, children of all ages can create a Facebook or Instagram account,
7 and immediately become subject to the products’ various addictive and harmful features.¹⁸⁵

8 223. There can be no serious debate about whether Meta has more effective age
9 verification tools at its disposal. Perversely, Meta does employ age verification on Instagram—but
10 only when a user self-reports they are *younger* than 13. In that case, Meta provides a user with what
11 amounts to an appeal right: “if you believe we made a mistake, please verify your age by submitting
12 a valid photo ID that clearly shows your face and date of birth.”

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28 ¹⁸⁵ Similarly, the absence of effective age verification measures means that adult users can claim
to be children—with obvious dangers to the actual children on Meta’s products.

4:07

5G

Help Us Verify Your Age

You must be at least 13 years old to have an Instagram account. We disabled your account because you are not old enough yet. If you believe we made a mistake, please verify your age by submitting a valid photo ID that clearly shows your face and date of birth.

Full name

Email address

Please provide the email address connected to your account.

Instagram username

Date of birth

Your ID

[Choose File](#) no file selected

Please provide a photo of a [valid ID](#).

Your photo ID must include your face and date of birth so we can verify your age. After you send us a copy of your ID, it'll be encrypted and stored securely. Your ID won't be visible on your profile, to friends or to other people on Instagram and will be deleted 30 days after submission.

Any additional info

[Send](#)

[ABOUT US](#)
[HELP](#)
[API](#)
[JOBS](#)
[TERMS](#)
[PRIVACY](#)

[help.instagram.com](#)

224. That is, instead of asking users to prove they are really *over* 13, Meta asks them if they are really sure they are *under* 13. At best, this reflects a completely upside-down view of Meta's duty of care, using age verification to screen *in* minor users but not to screen them *out*. At worst, Meta's "are you sure you're really under 13" question invites pre-teens to falsify their identification to gain access to Instagram.

225. Similarly, Meta imposes unnecessary barriers to the removal of accounts created by children under 13. Since at least April 2018, Instagram and Facebook both accept reports of accounts created by children under 13.¹⁸⁶ However, before an Instagram or Facebook account is

¹⁸⁶ *Report an Underage User on Instagram*, Instagram, <https://help.instagram.com/contact/723586364339719?fbclid=IwAR3E5rZo8zvp9Uw3giRoQRM>

deleted, Meta requires verification that the child is under the age of 13. For example, Instagram's reporting page states:

if you're reporting a child's account that was made with a false date of birth, and the child's age can be reasonably verified as under 13, we'll delete the account. You will not get confirmation that the account has been deleted, but you should no longer be able to view it on Instagram. Keep in mind that complete and detailed reports (example: providing the username of the account you're reporting) help us take appropriate action. If the reported child's age can't reasonably be verified as under 13, then we may not be able to take action on the account.¹⁸⁷

Facebook's reporting page contains almost identical language.¹⁸⁸ By choosing to implement age verification only before deleting accounts of users suspected to be children, but not when those accounts are first created, Meta makes it more difficult to prove a user is under age 13 than it does for a minor to pretend to be over 13.

226. It is unclear how long Meta takes to delete a reported account on average, if it does so at all. Meta has ignored some parents' attempts to report and deactivate accounts of children under 13 years old.

227. Zuckerberg has stated that he believes children under 13 should be allowed on Facebook,¹⁸⁹ so Meta's lax approach to age verification is no surprise.

228. Meta's approach to underage users of its product has consistently been one of feigned ignorance. On October 10, 2021, Senator Marsha Blackburn reported that a young celebrity told Instagram CEO Adam Mosseri that she had been active on Instagram since she was eight. Mosseri replied that he "didn't want to know that."¹⁹⁰

y5qFmIGpy-NOLLtpctHOWkalXtfJlft9O09Q; *Report an Underage Child*, Facebook, <https://www.facebook.com/help/contact/209046679279097>.

¹⁸⁷ *Report an Underage User on Instagram*, Instagram, <https://help.instagram.com/contact/723586364339719?fbclid=IwAR3E5rZo8zvp9Uw3giRoQRM y5qFmIGpy-NOLLtpctHOWkalXtfJlft9O09Q>.

¹⁸⁸ *Reporting an Underage Child*, Facebook, <https://www.facebook.com/help/contact/209046679279097>.

¹⁸⁹ Kashmir Hill, *Mark Zuckerberg Is Wrong About Kids Under 13 Not Being Allowed on Facebook* (May 20, 2011), <https://www.forbes.com/sites/kashmirhill/2011/05/20/mark-zuckerberg-is-wrong-about-kids-under-13-not-being-allowed-on-facebook/?sh=2ea85e825506>.

¹⁹⁰ *Protecting Kids Online: Testimony from a Facebook Whistleblower Hearing before Subcomm. On Consumer Protection, Product Safety, and Data Security* (Oct. 5, 2021), available at <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

1 229. But Meta *does* know that its age-verification protocols are inadequate to keep minors
2 off Facebook and Instagram. According to a May 2011 ABC News report, “about 7.5 million
3 [Facebook] users in the U.S. are under the age of 13, and about 5 million are under the age of 10.”¹⁹¹
4 Meta knows through retrospective cohort analyses that “up to 10 to 15% of even 10-year-olds in a
5 given cohort may be on Facebook or Instagram.”¹⁹²

6 e. **Facebook’s and Instagram’s parental controls are defective.**

7 230. Facebook and Instagram lack adequate parental controls, which hinders parents’
8 ability to monitor and protect their children from harm.

9 231. Despite its obligations under COPPA, Meta does not require “verifiable parental
10 consent” for minors to use Facebook or Instagram. Meta has chosen to avoid its obligations by
11 *purporting* to ban children younger than 13, despite knowing that such children continue to access
12 and use its products due to its inadequate age verification methods.

13 232. While COPPA requires parental consent only for users under the age of 13, a
14 reasonable company that knows or should have known its products are harmful to adolescents
15 would require parental consent for *any* minor to use them. But Meta’s lack of parental consent
16 requirement for any underage users robs parents of an important way to protect their children from
17 the harms caused by Instagram and Facebook.

18 233. Those apps largely lack parental controls, despite their ready availability,
19 affordability, and ease of implementation. For example, Meta has chosen not to: (a) require
20 children’s accounts on Facebook and Instagram to be linked to their parents’, as it does with another
21 one of its products, Messenger Kids;¹⁹³ (b) send reports of a child’s activity to parents; (c) allow
22 parents to implement maximum daily usage limitations or to prohibit use during certain hours

23 _____
24 ¹⁹¹ Ki Mae Heussner, *Underage Facebook Members: 7.5 Million Users Under Age 13*, ABC
(May 9, 2011), <https://abcnews.go.com/Technology/underage-facebook-members-75-million-users-age-13/story?id=13565619>.

25 ¹⁹² *Protecting Kids Online: Testimony from a Facebook Whistleblower Hearing before Subcomm.*
26 *On Consumer Protection, Product Safety, and Data Security* (Oct. 5, 2021), available at
27 [https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20fro](https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower)
28 [m%20a%20facebook%20whistleblower](https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower).

¹⁹³ Loren Chang, *Introducing Messenger Kids, a New App for Families to Connect*, Meta (Dec. 4, 2017), <https://about.fb.com/news/2017/12/introducing-messenger-kids-a-new-app-for-families-to-connect/>.

1 (school, sleep hours, etc.); (d) notify parents about interactions with accounts associated with
2 adults; (e) notify parents when CSAM is found on a minor's account; or (f) require parental
3 approval before a minor can follow new accounts.

4 234. Controls like these would enable parents to track the frequency, time of day, and
5 duration of their child's use, identify and address problems arising from such use, and better
6 exercise their rights and responsibilities as parents. It is reasonable for parents to expect that social
7 media companies that actively promote their products to minors will undertake reasonable efforts
8 to notify parents when their child's use becomes excessive, occurs during sleep time, or exposes
9 the child to harmful content. Meta could feasibly design Instagram and Facebook to do so at
10 negligible cost.

11 235. Meta creates a foreseeable risk to young users through its defective products and
12 then attempts to shift the burden of protection from those products onto parents. As troublingly,
13 Meta intentionally designs Facebook and Instagram so that children can easily evade their parents'
14 supervision. Instagram and Facebook allow children to create a limitless number of anonymous
15 accounts without parental approval or knowledge, and also allows kids to block their parent's
16 profile.¹⁹⁴ On Instagram, children can post stories to "Close Friends Only" (i.e., to a select group
17 of followers), excluding their parents. On Facebook, children can place their parents on a "restricted
18 list" of people who are unable to view their stories.

19 236. Finally, Meta has failed to develop effective reporting tools to deal with abuse
20 directed at children through Instagram and Facebook. Meta does not have a phone number that a
21 parent or child can call to report such abuse in real time. Its online reporting mechanisms lack an
22 immediate response mechanism, regardless of the seriousness of the harm at issue. Some users have
23 found that Meta declined to respond to reports filed through its online reporting tool, citing
24 technical issues.

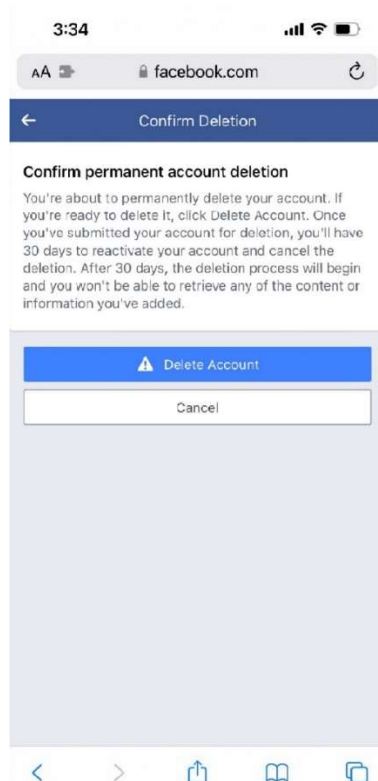
25
26 ¹⁹⁴ See Caity Weaver and Danya Issawi, *'Finsta,' Explained*, N.Y. Times (Sept. 30, 2021),
27 <https://www.nytimes.com/2021/09/30/style/finsta-instagram-accounts-senate.html> ("It is neither
28 an official designation nor a type of account offered by Facebook. Rather, it is a term many users
ascribe to secondary accounts they create for themselves on Instagram, where their identities —
and, often, the content of their posts — are obscured to all but a small, carefully chosen group of
followers.").

f. **Facebook's and Instagram's defective features include impediments to discontinuing use.**

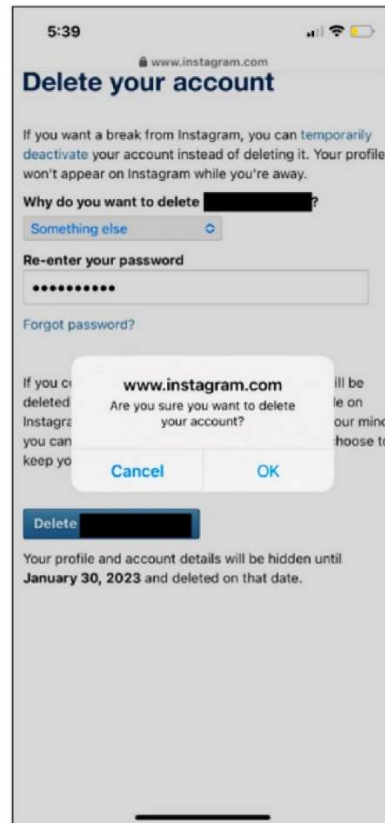
237. Meta has intentionally and defectively designed its products so that adolescent users face significant navigational obstacles and hurdles when trying to delete or deactivate their accounts, in contrast to the ease with which users can create those accounts.

238. Currently, to delete or deactivate an Instagram or Facebook account, a user must locate and tap on approximately seven different buttons (through seven different pages and popups) from the main feed. Some young users give up on their attempts to quit because it's too difficult to navigate through the interface to completion.

239. Even if a user successfully navigates these seven pages, Meta still won't immediately delete their account. Instead, Meta preserves the account for 30 more days. If at any time during those 30 days a user's addictive craving becomes overwhelming and they access the account again, the deletion process starts over. The user must go through all the above steps again, including the 30-day waiting period, if they again wish to delete their account.



(Facebook Final Deletion Screen
February 2023)



(Instagram Final Deletion Screen,
January 2023)(account name
redacted)

1 240. As an additional barrier to deletion, Meta urges users of both products to deactivate,
2 rather than delete, their accounts. For example, Instagram users who choose to delete their accounts
3 are immediately shown a screen with their profile picture and asked: “Deactivate your account
4 instead of deleting?” The option to deactivate is conspicuously highlighted. Similarly, Facebook
5 displays a screen that automatically selects the option of deactivating rather than deleting a user
6 account.

7 241. Meta’s aggressive efforts to prevent users from discontinuing their use of Facebook
8 and Instagram is particularly problematic because unsuccessful efforts to discontinue use are a
9 hallmark of addiction, incorporated as the sixth criteria in the *Bergen Social Media Addiction Scale*,
10 discussed above.

11 4. **Meta has concealed from users, the public, and Congress the harmful**
12 **effects that Instagram’s and Facebook’s design have on children.**

13 242. Meta has engaged in a years-long pattern of concealing critical information about
14 the safety of Instagram and Facebook from the public. While Meta touted the safety of its products,
15 it failed to disclose information it knew concerning the significant risks associated with its products,
16 even though it knew that the public lacked access to this information.

17 243. Meta’s pattern of intentional concealment came to a head in August 2021, just weeks
18 before Frances Haugen dropped her bombshell revelations on the public. On August 4, 2021,
19 Senators Marsha Blackburn and Richard Blumenthal wrote to Mark Zuckerberg. The Senators’
20 letter observed that “[a]n expanding volume of scientific research shows that social media platforms
21 can have a profoundly harmful impact on young audiences” and noted “grave concerns about
22 [Meta’s] apparent effort to ensnare children into social media platforms at earlier and earlier
23 ages.”¹⁹⁵ The letter concluded by asking Zuckerberg six “pretty straightforward questions about
24 how the company works and safeguards children and teens on Instagram.”¹⁹⁶

25 ¹⁹⁵ Letter from Richard Blumenthal, U.S. Senator, to Mark Zuckerberg, Chief Executive Officer
26 of Facebook (Aug. 4, 2021), *available at*
27 [https://www.blumenthal.senate.gov/imo/media/doc/8.4.21%20-%20Facebook%20-](https://www.blumenthal.senate.gov/imo/media/doc/8.4.21%20-%20Facebook%20-%20Mental%20Health%20and%20Kids%20Letter.pdf)
28 [%20Mental%20Health%20and%20Kids%20Letter.pdf](https://www.blumenthal.senate.gov/imo/media/doc/8.4.21%20-%20Facebook%20-%20Mental%20Health%20and%20Kids%20Letter.pdf).

27 ¹⁹⁶ *Protecting Kids Online: Testimony from a Facebook Whistleblower Hearing before Subcomm.*
28 *On Consumer Protection, Product Safety, and Data Security* (Oct. 5, 2021), *available at*
<https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20fro>

1 244. Meta’s years-long concealment of its research was revealed just weeks later, when
2 Frances Haugen released internal Meta studies, along with a trove of other internal Meta
3 documents, to the Wall Street Journal.

4 245. On September 21, 2021, Senator Blumenthal confronted a Meta representative about
5 the conspicuous omissions in Meta’s response to his letter:

6 Last month, on August 4, Senator Blackburn and I wrote to Mark
7 Zuckerberg and asked him specifically about this issue. We asked,
8 and I’m quoting, “Has Facebook’s research ever found that its
9 platforms and products can have a negative effect on children’s and
teens’ mental health or well-being such as increased suicidal
thoughts, heightened anxiety, unhealthy usage patterns, negative
self-image, or other indications of lower well-being?”

10 It wasn’t a trick question. It preceded the reports in the Journal. We
11 had no idea about the whistleblower documents that were ultimately
revealed.

12 Facebook dodged the question. “We are not aware of a consensus
13 among studies or experts about how much screen time is too much.”

14 We are not aware. Well, we all know now that representation was
15 simply untrue.¹⁹⁷

16 246. Senator Blumenthal went on to ask the witness, Facebook’s Vice President of
17 Privacy & Public Policy, “why did Facebook misrepresent its research on mental health and teens
18 when it responded to me and Senator Blackburn?” After disputing the characterization, Satterfield
19 responded, “The safety and well-being of the teens on our platform is a top priority for the company.
20 We’re going to continue to make it a priority. This was important research.” Senator Blumenthal
21 then went on: “Why did you conceal it?” Satterfield responded, “we didn’t make it public because
22
23

24 m%20a%20facebook%20whistleblower. *See also*, Letter from Richard Blumenthal, U.S. Senator,
25 to Mark Zuckerberg, Chief Executive Officer of Facebook (Aug. 4, 2021), *available at*
26 [https://www.blumenthal.senate.gov/imo/media/doc/8.4.21%20-%20Facebook%20-](https://www.blumenthal.senate.gov/imo/media/doc/8.4.21%20-%20Facebook%20-%20Mental%20Health%20and%20Kids%20Letter.pdf)
27 [%20Mental%20Health%20and%20Kids%20Letter.pdf](https://www.blumenthal.senate.gov/imo/media/doc/8.4.21%20-%20Facebook%20-%20Mental%20Health%20and%20Kids%20Letter.pdf).

28 ¹⁹⁷ Richard Blumenthal, *Blumenthal Demands Facebook Appear at Next Week’s Consumer
Protection Subcomm. Hearing to Explain Coverup of its Platforms’ Negative Impact on Teens
and Children* (Sept. 21, 2021), *available at*
[https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-demands-facebook-appear-at-next-weeks-consumer-protection-subcommittee-hearing-to-explain-coverup-of-its-](https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-demands-facebook-appear-at-next-weeks-consumer-protection-subcommittee-hearing-to-explain-coverup-of-its-platforms-negative-impact-on-teens-and-children)
[platforms-negative-impact-on-teens-and-children](https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-demands-facebook-appear-at-next-weeks-consumer-protection-subcommittee-hearing-to-explain-coverup-of-its-platforms-negative-impact-on-teens-and-children).

1 we don't, with a lot of the research we do because we think that is an important way of encouraging
2 free and frank discussion within the company about hard issues.”¹⁹⁸

3 247. Meta unilaterally decided to prioritize “free and frank” internal discussion over
4 honest and transparent responses to direct questions from sitting United States Senators. When it
5 “dodged, ducked, sidetracked, [and] in effect misled” Senators Blumenthal and Blackburn, Meta
6 deceived the public via its elected representatives.¹⁹⁹

7 248. Moreover, Satterfield’s “free and frank discussion” excuse has been contradicted
8 publicly by Meta employees.

9 249. In her testimony before the Senate, Frances Haugen cited evidence that Meta “is so
10 scared of even basic transparency that it goes out of its way to block researchers who are asking
11 awkward questions.”²⁰⁰ Ms. Haugen further testified that Meta’s culture emphasizes insularity and
12 promotes the idea that “if information is shared with the public, it will just be misunderstood.”²⁰¹

13 250. This is consistent with reports from Facebook content moderators that there is a
14 “culture of fear and excessive secrecy” within Meta that “prevent[s] [them] from speaking out.”²⁰²

15 ¹⁹⁸ Richard Blumenthal, *Blumenthal Demands Facebook Appear at Next Week’s Consumer*
16 *Protection Subcomm. Hearing to Explain Coverup of its Platforms’ Negative Impact on Teens*
17 *and Children* (Sept. 21, 2021), available at
18 <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-demands-facebook-appear-at-next-weeks-consumer-protection-subcommittee-hearing-to-explain-coverup-of-its-platforms-negative-impact-on-teens-and-children>.

19 ¹⁹⁹ *Protecting Kids Online: Testimony from a Facebook Whistleblower Hearing before Subcomm.*
20 *On Consumer Protection, Product Safety, and Data Security* (Oct. 5, 2021) available at
21 <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>; see also *Protecting Kids Online: Testimony from a*
22 *Facebook Whistleblower Hearing before Subcomm. On Consumer Protection, Product Safety,*
23 *and Data Security* (Oct. 5, 2021) available at
24 <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower> (statement by Senator Brian Schatz to Frances Haugen
25 that he had “a long list of misstatements, misdirections and outright lies from the company”).

26 ²⁰⁰ *Protecting Kids Online: Testimony from a Facebook Whistleblower Hearing before Subcomm.*
27 *On Consumer Protection, Product Safety, and Data Security* (Oct. 5, 2021) available at
28 <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

²⁰¹ *Protecting Kids Online: Testimony from a Facebook Whistleblower Hearing before Subcomm.*
On Consumer Protection, Product Safety, and Data Security (Oct. 5, 2021) available at
<https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

²⁰² Zoe Schiffer, *Facebook Content Moderators Call for Company to Put an End to Overly Restrictive NDAs*, *The Verge* (Jul. 22, 2021), available at

1 251. Notably, Meta’s pattern of concealment did not end after Frances Haugen came
2 forward. On September 30, 2021, Antigone Davis, Facebook’s Head of Safety, testified before the
3 Senate. Ms. Davis represented that, when Instagram “do[es] ads to young people, there are only
4 three things that an advertiser can target around: age, gender, location. We also prohibit certain ads
5 to young people, including weight-loss ads.”²⁰³ She further testified, “We don’t allow the
6 sexualization of minors on our platform.”²⁰⁴

7 252. Ms. Davis’s statements were subsequently proven false by Senator Mike Lee.
8 During an October 2021 hearing, Senator Lee explained that a group called the Technology
9 Transparency Project (“TTP”) alerted the U.S. Senate that it had gained Facebook’s approval to
10 target a series of harmful ads to up to 9.1 million users between the ages of 13 and 17.²⁰⁵ While
11 TTP did not actually run the ads, approval from Meta to do so demonstrates that the company
12 allows harmful targeted advertising toward minors. Senator Lee showed three examples of these
13 Meta-approved ads, shown below:^{206, 207}

14
15 _____
16 <https://www.theverge.com/2021/7/22/22587757/facebook-content-moderators-ireland-end-restrictive-ndas>.

17 ²⁰³ Subcomm.: *Protecting Kids Online: Facebook, Instagram, and Mental Health Harms Hearing*
18 *before Subcomm. On Consumer Protection Product Safety, and Data Security* (Sept. 30, 2021),
available at <https://www.commerce.senate.gov/2021/9/protecting-kids-online-facebook-instagram-and-mental-health-harms>.

19 ²⁰⁴ *Protecting Kids Online: Testimony from a Facebook Whistleblower Hearing before Subcomm.*
20 *On Consumer Protection, Product Safety, and Data Security* (Oct. 5, 2021) available at
<https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

21 ²⁰⁵ See *Protecting Kids Online: Testimony from a Facebook Whistleblower Hearing before*
22 *Subcomm. On Consumer Protection, Product Safety, and Data Security* (Oct. 5, 2021) available
at
23 <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

24 ²⁰⁶ These screen captures were taken from a video of the October 5, 2021 Senate Hearing with
witness Frances Haugen. See *Protecting Kids Online: Testimony from a Facebook Whistleblower*
25 *Hearing before Subcomm. On Consumer Protection, Product Safety, and Data Security* (Oct. 5,
2021) available at
26 <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

27 ²⁰⁷ *Protecting Kids Online: Testimony from a Facebook Whistleblower Hearing before Subcomm.*
28 *On Consumer Protection, Product Safety, and Data Security* (Oct. 5, 2021) available at
<https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.



253. The first ad encourages children to “[t]hrow a skittles party like no other” and displays the suggestion against a background of colorful prescription pills. The second ad promotes an “Ana Tip” instructing the viewer to “visit pro-ana sites to feed your motivation and reach your goal” when feeling hungry. The third ad informs the viewer that they “look lonely” and encourages them to “[f]ind your partner now to make a love connection.”

254. Senator Lee stated that based on the Meta Defendants’ approval of these pro-drug, pro-anorexia, pro-sexualization ads targeted to children aged 13 to 17, “[o]ne could argue that it proves that Facebook is allowing and perhaps facilitating the targeting of harmful adult-themed ads to our nation’s children.”²⁰⁸

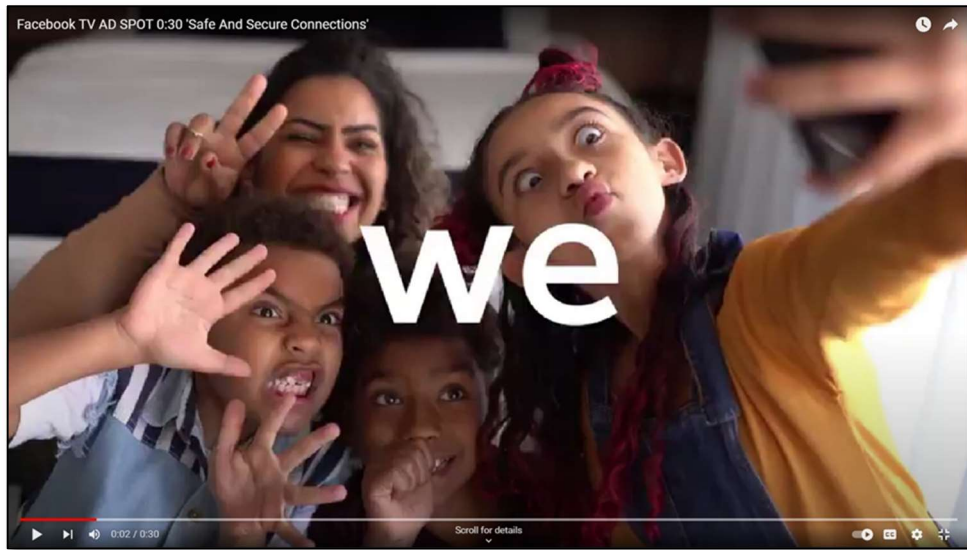
255. In addition to the litany of misrepresentations and omissions identified above, Meta has repeatedly failed to tell the truth about the age of users on Instagram. In statements to Congress and elsewhere, Zuckerberg has represented that Meta does not allow users under the age of 13 to use the product. For example, in testimony before the U.S. House of Representatives Committee on Energy and Commerce, Zuckerberg stated: “There is clearly a large number of people under the

²⁰⁸ *Protecting Kids Online: Testimony from a Facebook Whistleblower Hearing before Subcomm. On Consumer Protection, Product Safety, and Data Security* (Oct. 5, 2021) available at <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

1 age of 13 who would want to use a service like Instagram. We currently do not allow them to do
2 that.”²⁰⁹

3 256. However, as discussed further above, Meta has long known that its product is widely
4 used by children under the age of 13. In fact, Meta knows through retrospective cohort analyses
5 that “up to 10 to 15% of even 10 year-olds in a given cohort may be on Facebook or Instagram.”²¹⁰

6 257. Far from acknowledging the serious defects in its products and warning children and
7 parents of the same, Meta has launched advertising campaigns designed to encourage more children



17 ²⁰⁹ *Disinformation Nation: Social Media’s Role in Promoting Extremism and Misinformation*
18 *Hearing Before H. Energy and Commerce Subcomm. on Communications and Technology* 59
(March 25, 2021), available at
19 [https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-](https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf)
20 [20210325.pdf](https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf); see also *Disinformation Nation: Social Media’s Role in Promoting Extremism and*
21 *Misinformation Hearing Before H. Energy and Commerce Subcomm. on Communications and*
22 *Technology* 175 (March 25, 2021), available at
23 [https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-](https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf)
24 [20210325.pdf](https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf) (Zuckerberg: “[O]ur policies on-on the main apps that we offer generally prohibit
25 people under the age of 13 from using the services.”); See also *Transcript of Zuckerberg’s*
26 *appearance before House committee*, Washington Post (April 11, 2018),
27 [https://www.washingtonpost.com/news/the-switch/wp/2018/04/11/transcript-of-zuckerbergs-](https://www.washingtonpost.com/news/the-switch/wp/2018/04/11/transcript-of-zuckerbergs-appearance-before-house-committee/?utm_term=.e7b476fb8ac7&noredirect=on)
28 [appearance-before-house-committee/?utm_term=.e7b476fb8ac7&noredirect=on](https://www.washingtonpost.com/news/the-switch/wp/2018/04/11/transcript-of-zuckerbergs-appearance-before-house-committee/?utm_term=.e7b476fb8ac7&noredirect=on) (When asked if it
is correct that children can get a Facebook account starting at age 13, Zuckerberg confirmed that
it was correct); see also NewSchools Venture Fund, *NewSchools Summit 2011: John Doerr and*
Mark Zuckerberg on innovation and education (May 24, 2011),
<https://www.youtube.com/watch?v=n03zAOadyMA> (Zuckerberg: “[A]nd so basically, we don’t
allow people under the age of 13 on Facebook . . . today we don’t allow people under the age of
13 to sign up”).

²¹⁰ *Protecting Kids Online: Testimony from a Facebook Whistleblower Hearing before Subcomm.*
On Consumer Protection, Product Safety, and Data Security (Oct. 5, 2021), available at
[https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20fro](https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower)
[m%20a%20facebook%20whistleblower.](https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower)

1 to use its products—by touting the purported safety of those products. For example, in a recent
2 television ad, Meta claimed that it “build[s] technology that gives you more control and helps keep
3 you safe” including through its “industry leading AI” and other “tools that can protect—so you can
4 connect.” This advertisement featured children, as in the screenshot below.

5 Other advertising campaigns have similarly touted Meta’s AI as being a feature that contributes to
6 its products’ safety—without disclosing the serious defects identified in this Complaint.

7 258. In another example of advertising that promotes use by children, a Meta 2021 online
8 advertisement actively highlighted the content available for fifth grade children on its Facebook
9 product, highlighting the experience of an art teacher who used Facebook to communicate with
10 students during the pandemic—an experience the video noted was “a lot to unpack for little, tiny
11 people.”

12 5. **Meta failed to adequately warn about the dangers and harms caused**
13 **by Instagram and Facebook, or provide instructions regarding safe**
14 **use.**

15 259. Meta has failed to adequately warn adolescent users and parents about the physical
16 and mental health risks posed by Instagram and Facebook. These risks include a plethora of mental
17 health disorders like compulsive use, addiction, eating disorders, anxiety, depression, insomnia,
18 exacerbated executive dysfunction, sexual exploitation from adult users, suicidal ideation, self-
19 harm, and death.

20 260. Meta targets adolescent users via advertising and marketing materials distributed
21 throughout digital and traditional media that fail to provide sufficient warnings to potential
22 adolescent consumers of the physical and mental risks associated with using Facebook and
23 Instagram.

24 261. Meta also fails to adequately warn adolescent users during the product registration
25 process. At account setup, neither Instagram nor Facebook contain warning labels, banners, or
26 conspicuous messaging to adequately inform adolescent users of the known product risks and
27 potential physical and mental harms associated with usage. Instead, Meta allows adolescent users,
28 including those under the age of 13, to easily create an account (or multiple accounts) and fully
access these products.

1 262. Meta’s failure to warn adolescent users continues even as adolescents exhibit
2 problematic signs of addiction to and compulsive use of Facebook or Instagram. For example, Meta
3 does not warn users when their screen time reaches harmful levels or when adolescents are
4 accessing the product habitually.

5 263. Despite proactively providing adolescent users with countless filtering and editing
6 tools, Meta also does not appropriately warn adolescent users regarding which images have been
7 altered or the mental health harms associated with the heavily filtered images that Meta presents
8 and recommends.

9 264. Not only does Meta fail to adequately warn users regarding the risks associated with
10 Instagram and Facebook, it also does not provide sufficient instructions on how adolescents can
11 safely use the products.

12 265. Meta’s failure to adequately warn and instruct as set forth herein has proximately
13 caused significant harm to the mental and physical well-being of young users.

14 **D. SNAP MARKETS AND DESIGNS SNAPCHAT TO ADDICT YOUNG**
15 **USERS, SUBSTANTIALLY CONTRIBUTING TO THE MENTAL**
16 **HEALTH CRISIS**

17 266. Snap Inc. calls itself “a camera company.”²¹¹ Its “flagship product, Snapchat, is a
18 camera application that was created to help people communicate through short videos and images.
19 [Snap] calls each of those short videos or images a Snap.”²¹² Snap’s design of its Snapchat product
20 capitalizes on children’s increasing attachment to quick, instantaneous exchanges. As Snap’s
21 founder and CEO Evan Spiegel has explained, “today... pictures are being used for talking. So
22 when you see your children taking a zillion photos of things that you would never take a picture of,
23
24

25 ²¹¹ Snap Inc. Form S-1 Registration Statement (*hereafter* “Form S-1”) at 1 (Feb. 2, 2017),
26 <https://www.sec.gov/Archives/edgar/data/1564408/000119312517029199/d270216ds1.htm>; *See also*, Snap – *Who We Are*, Snap Inc.; (“We believe that reinventing the camera represents our
27 greatest opportunity to improve the way people live and
28 communicate.”). <https://careers.snap.com/en-US> (“We believe that reinventing the camera
represents our greatest opportunity to improve the way people live and communicate.”).

²¹² Snap Inc. Form S-1 Registration Statement (*hereafter* “Form S-1”) at 1 (Feb. 2, 2017),
<https://www.sec.gov/Archives/edgar/data/1564408/000119312517029199/d270216ds1.htm>.

1 it's cos [sic] they're using photographs to talk. And that's why people are taking and sending so
2 many pictures on Snapchat every day.”²¹³

3 267. Spiegel's statement is telling, as Snap has tailored every aspect of its Snapchat
4 product to children rather than adults. Snap designed and implemented dangerous features in
5 Snapchat that exploit children's need for social acceptance and rewards by pushing its users to
6 maximize their use of and engagement with the app. Snap built Snapchat using manipulative
7 techniques to compel young users to send an ever-increasing number of photographs and videos,
8 and to reward users who maximize their engagement with elevated status. Snap also dangerously
9 encourages adolescents to increase engagement on the app indiscriminately, pushing tools to share
10 sensitive material with an ever-expanding group of friends and strangers.

11 268. Snapchat's design features cause its young users to suffer increased anxiety,
12 depression, disordered eating, sleep deprivation, suicide, and other severe mental and physical
13 injuries. Snap knows or should have known this. Snap intentionally designed Snapchat to prey on
14 the neuropsychology and behavioral patterns of children to maximize their engagement and
15 increase Snap's advertising revenue. Despite this knowledge, Snap continues to update its product
16 and add features intentionally designed to entice, exploit, and addict kids, including Snap Streaks,
17 trophies, social signifiers and reward systems, quickly disappearing messages, filters, lenses, and
18 games.

19 269. Snap knew, or should have known, that its conduct has negatively affected youth.
20 Snap's conduct has been the subject of inquiries by the United States Senate regarding Snapchat's
21 use “to promote bullying, worsen eating disorders, and help teenagers buy dangerous drugs or
22 engage in reckless behavior.”²¹⁴ Further, Senators from across the ideological spectrum have
23
24

25 ²¹³ Stuart Dredge, *What is Snapchat? CEO Evan Spiegel explains it all for parents*, The Guardian,
26 June 15, 2015, <https://www.theguardian.com/technology/2015/jun/17/what-is-snapchat-evan-spiegel-parents>.

27 ²¹⁴ Bobby Allyn, *4 Takeaways from the Senate child safety hearing with YouTube, Snapchat and*
28 *TikTok*, National Public Radio (Oct. 26, 2021),
<https://www.npr.org/2021/10/26/1049267501/snapchat-tiktok-youtube-congress-child-safety-hearing>.

1 introduced bills that would ban many of Snapchat's features that are particularly addictive to
2 adolescents.²¹⁵

3 270. Despite these calls for oversight from Congress, Snap has failed to curtail its use of
4 features such as streaks, badges, and other awards that reward users' level of engagement with
5 Snapchat. As described in detail below, Snapchat is a product that causes harm to children, the
6 target audience for whom Snap designed and to whom it promoted its product.

7 **1. Background and overview of Snapchat.**

8 271. Snapchat was created by three college students in 2011 and first released for iPhones
9 in September 2011. Snapchat quickly evolved from its origin as a disappearing-message chat
10 application after Snap's leadership made design changes and rapidly developed new product
11 features. As a result of its design and implementation of dangerous and addictive features
12 specifically targeting youths (described below), Snapchat quickly became widely used among
13 children.

14 272. Snap marketed Snapchat as "temporary social media" that would allow users to
15 show a more authentic, unpolished, and spontaneous side of themselves.²¹⁶ Snapchat's central and
16 defining feature, the "Snap," allows users to send and receive ephemeral, or "disappearing,"
17 audiovisual messages. That feature foreseeably and quickly drove users to exchange sexually
18 explicit "Snaps," sometimes called "sexts" even though they are photos. Because of its brand
19 identity among millennials as the original ephemeral-messaging app, Snapchat almost immediately
20 became known as the "sexting" app—a fact that Snap was or should have been on notice of from
21 public sources.²¹⁷

22
23 ²¹⁵ See Abigail Clukey, *Lawmaker Aims To Curb Social Media Addiction With New Bill*, National
24 Public Radio (Aug. 3, 2019), <https://www.npr.org/2019/08/03/747086462/lawmaker-aims-to-curb-social-media-addiction-with-new-bill>; Social Media Addiction Reduction Technology Act,
S. 2314, 116th Cong. (2019); Kids Internet Design and Safety Act, S. 2918, 117th Cong. (2021).

25 ²¹⁶ Jenna Wortham, *A Growing App Lets You See It, Then You Don't*, New York Times (Feb. 9,
26 2013), https://www.nytimes.com/2013/02/09/technology/snapchat-a-growing-app-lets-you-see-it-then-you-dont.html?_r=0.

27 ²¹⁷ Megan Dickey, *Let's Be Real: Snapchat Is Totally Used For Sexting*, Bus. Insider (Nov. 30,
28 2012), <https://www.businessinsider.com/snapchat-growth-sexting-2012-11>; Billy Gallagher, *No, Snapchat Isn't About Sexting, Says Co-Founder Evan Spiegel*, TechCrunch (May 12, 2012),
<https://techcrunch.com/2012/05/12/snapchat-not-sexting/b> (describing an interview in which a
journalist asked the CEO of Snap about the product's potential use for sexting).

1 273. Snapchat creates images and GIFs for users to incorporate into their videos and
2 picture postings. Snap has also acquired publishing rights to thousands of hours of music and video
3 which it provides to Snapchat users to attach to the videos and pictures that they send.

4 **2. Snap targets children.**

5 **a. Snap has designed its Snapchat product to grow use by children**
6 **to drive the company's revenue.**

7 274. Within five months of launching, Snapchat had 40,000 users.²¹⁸ By May 2012, less
8 than eight months after launching, CEO Evan Spiegel reported that the company was “thrilled” to
9 learn that most of Snapchat’s users were high school students sending “behind-the-back photos of
10 teachers and funny faces” to each other during class. According to Spiegel, Snap’s server data
11 showed peaks of activity during the school day.²¹⁹

12 275. Snap immediately focused on increasing the product’s frequency of use.²²⁰ By late
13 2012, Snapchat had over a million active users sending over 20 million Snaps per day.²²¹ By 2013,
14 Snapchat users were sending over 60 million Snaps per day.²²² By the end of 2022, this number has
15 risen to over 5 billion Snaps per day.²²³

16 276. As Snap continued to quickly add new features to its product, the number of
17 Snapchat’s daily active users (users who open Snapchat at least once during a 24-hour period)
18
19
20

21 ²¹⁸ Ken Auletta, *Get Rich U*, New Yorker (Apr. 30, 2012),
<https://www.newyorker.com/magazine/2012/04/30/get-rich-u>.

22 ²¹⁹ Team Snapchat, *Let’s Chat*, Snapchat Blog at <http://blog.snapchat.com> (May 9, 2012),
available at <https://web.archive.org/web/20120518003029/http://blog.snapchat.com:80/>.

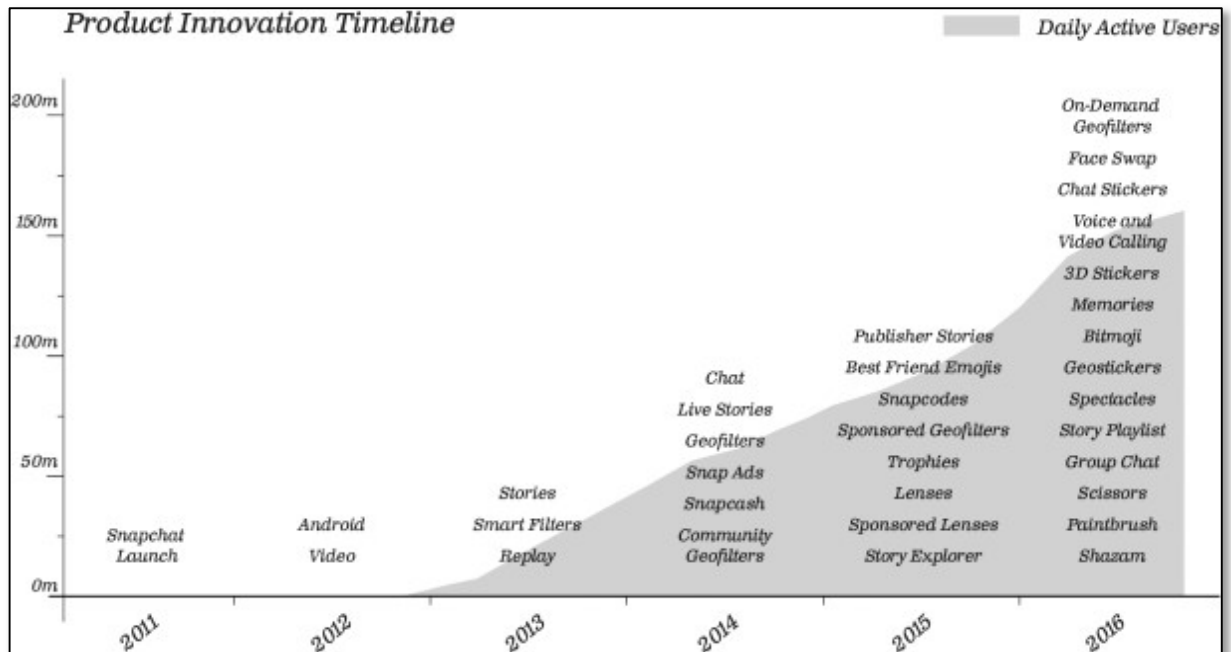
23 ²²⁰ Billy Gallagher, *You Know What’s Cool? A Billion Snapchats: App Sees Over 20 Million*
24 *Photos Shared Per Day, Releases On Android*, TechCrunch (Oct. 29, 2012),
<https://techcrunch.com/2012/10/29/billion-snapchats/>.

25 ²²¹ Billy Gallagher, *You Know What’s Cool? A Billion Snapchats: App Sees Over 20 Million*
26 *Photos Shared Per Day, Releases On Android*, TechCrunch (Oct. 29, 2012),
<https://techcrunch.com/2012/10/29/billion-snapchats/>.

27 ²²² Billy Gallagher, *Snapchat Raises \$13.5M Series A Led By Benchmark, Now Sees 60M Snaps*
28 *Sent Per Day*, TechCrunch (Feb. 9, 2013), <https://techcrunch.com/2013/02/08/snapchat-raises-13-5m-series-a-led-by-benchmark-now-sees-60m-snaps-sent-per-day/>.

²²³ Snap Inc. Q4 2022 Investors Meeting Transcript at p. 7 (Jan. 31, 2023),
<https://s25.q4cdn.com/442043304/files/transcript/snap-inc.-q4-2022-transcript.pdf>.

rapidly increased.²²⁴ In 2017, Snap reported that its users opened the product more than 18 times a day on average. By 2019, users were opening the product an average of 30 times per day.



225

277. Today, Snapchat is one of the world’s most widely used apps. By its own estimates, Snapchat has 363 million daily users, including 100 million daily users in North America.²²⁶ Snapchat also “reaches 90% of the 13-24 year old population” in over twenty countries, and reaches nearly half of all smartphone users in the United States.²²⁷

278. Snapchat’s explosive growth is driven by its key user demographic, 13-17 year olds. In 2022, 59% of US teens used Snapchat and 15% said they used it “almost constantly.”²²⁸

²²⁴ Snap Inc. Form S-1 Registration Statement (*hereafter* “Form S-1”) at 91 (Feb. 2, 2017), <https://www.sec.gov/Archives/edgar/data/1564408/000119312517029199/d270216ds1.htm>.

²²⁵ Snap Inc. Form S-1 Registration Statement (*hereafter* “Form S-1”) at 91 (Feb. 2, 2017), <https://www.sec.gov/Archives/edgar/data/1564408/000119312517029199/d270216ds1.htm>.

²²⁶ October 2022 Investor Presentation at 5, Snap Inc. (Oct. 20, 2022), <https://investor.snap.com/events-and-presentations/presentations/default.aspx>.

²²⁷ October 2022 Investor Presentation at 6-7, Snap Inc. (Oct. 20, 2022), <https://investor.snap.com/events-and-presentations/presentations/default.aspx>.

²²⁸ Pew Research Center, Teens, Social Media and Technology 2022 (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

1 279. In 2014, Snap began running advertisements on Snapchat.²²⁹ Snapchat's entire
2 business model revolves around its advertising revenue. According to internal company records,
3 advertisements were pervasive on Snapchat by 2015 and, by 2018, 99% of Snap's total revenue
4 came from advertising. Advertising has accounted for 99% of Snap's revenue each year since
5 2018.²³⁰ In 2022, Snap's revenue was approximately \$4.6 billion.²³¹

6 280. Snap attracts advertisers by providing them access to the huge universe of Snapchat
7 users and by collecting immense amounts of data on its users, including its pre-teen and teenage
8 users, which it uses to target advertising to those users. Snap makes no secret of this practice,
9 recently acknowledging that it relies "heavily on our ability to collect and disclose data, and metrics
10 to our advertisers so we can attract new advertisers and retain existing advertisers. Any restriction
11 or inability, whether by law, regulation, policy, or other reason, to collect and disclose data and
12 metrics which our advertisers find useful would impede our ability to attract and retain
13 advertisers."²³²

14 281. Snap's growth in advertising revenues was driven by changes Snap made to
15 Snapchat that incentivized compulsive and addictive use at the expense of its users' health.

16 282. Snap understands that its user experience must be immersive and all-encompassing
17 in order to maximize its advertising revenue. Indeed, Snap recently admitted to its investors that its
18 revenue could be harmed by, among other things, "a decrease in the amount of time spent on
19 Snapchat, a decrease in the amount of content that our users share, or decreases in usage of our
20 Camera, Visual Messaging, Map, Stories, and Spotlight platforms."²³³

23 ²²⁹ Angela Moscaritolo, *Snapchat Adds 'Geofilters' in LA*, New York, PC Mag. (July 15, 2014),
24 <https://www.pcmag.com/news/snapchat-adds-geofilters-in-la-new-york>.

25 ²³⁰ Snap Inc. Form 10-K at 18 (Dec. 31, 2022), [https://d18rn0p25nwr6d.cloudfront.net/CIK-](https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf)
26 [0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf](https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf).

27 ²³¹ Snap Inc. Form 10-K at 18 (Dec. 31, 2022), [https://d18rn0p25nwr6d.cloudfront.net/CIK-](https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf)
28 [0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf](https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf).

²³² Snap Inc. Form 10-K at 18 (Dec. 31, 2022), [https://d18rn0p25nwr6d.cloudfront.net/CIK-](https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf)
[0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf](https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf).

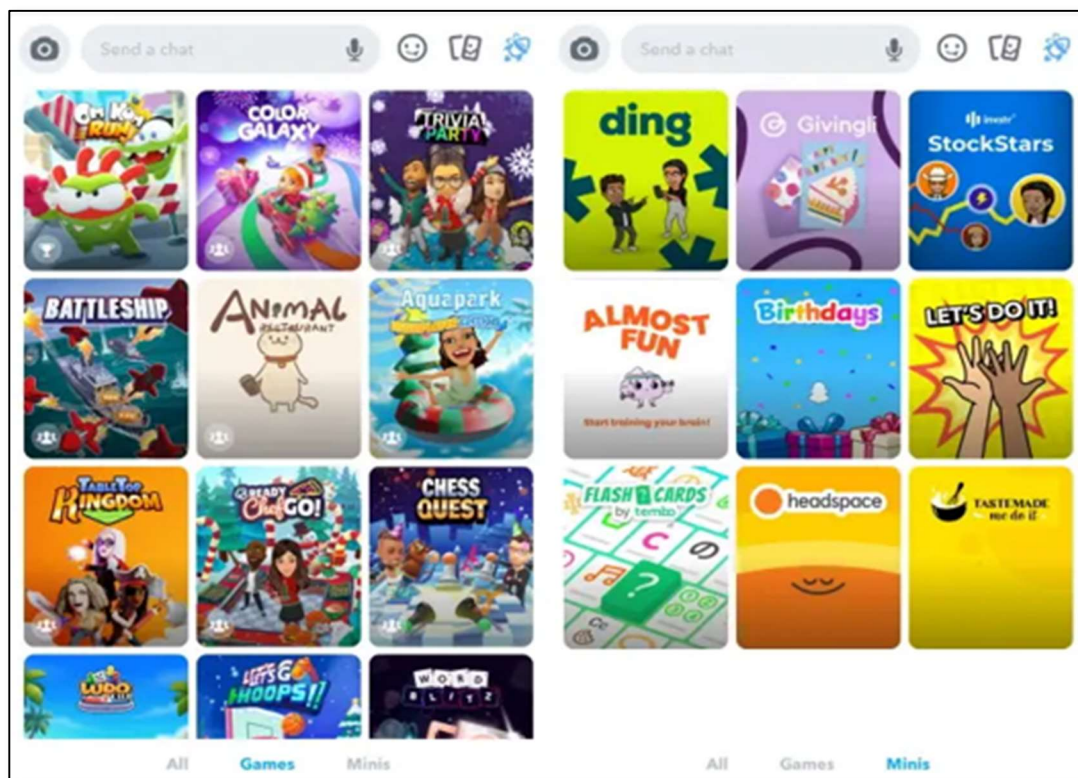
²³³ Snap Inc. Form 10-K at 19 (Dec. 31, 2022), [https://d18rn0p25nwr6d.cloudfront.net/CIK-](https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf)
[0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf](https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf).

b. Snap promotes Snapchat to children.

283. Snap specifically promotes Snapchat to children because they are a key demographic for Snap's advertising business.

284. In its first post on its website, Snapchat observed that "[t]o get a better sense of how people were using Snapchat and what we could do to make it better, we reached out to some of our users. *We were thrilled to hear that most of them were high school students* who were using Snapchat as a new way to pass notes in class—behind-the-back photos of teachers and funny faces were sent back and forth throughout the day.”²³⁴

285. As shown in this capture of a Snapchat feature page created by Snap, Snap uses bright colors, cartoonish designs, and other features that appeal to younger audiences.



286. Similarly, in an October 2019 interview, Snap's CEO explained that "we've seen a lot of engagement with our 13-34 demographic, which for us is strategically a critical demographic, not only because that's a demographic that enjoys using new products but also because I think they

²³⁴ Team Snapchat, *Let's Chat*, Snapchat Blog at <http://blog.snapchat.com> (May 9, 2012), <https://web.archive.org/web/20120518003029/http://blog.snapchat.com:80/>.

1 represent, really, the future . . . So that’s obviously been a group that’s been really fun to build for,
2 and really it started because those are our friends.”²³⁵

3 287. Snap touts to advertisers its ability to use Snapchat to reach children. In a December
4 2022 statement to advertisers, Snap claimed that “Snapchat delivers on the emotions that Gen Z
5 seeks and it does so consistently across the platform in areas like Discover, Stories and the
6 Camera.”²³⁶ To prove that, Snapchat “used a neuroscience measurement called Immersion to
7 measure reactions to different brand messaging—specifically brand purpose messaging vs. non-
8 brand purpose messaging. Immersion captures attention and emotional resonance through
9 variations in heart rate rhythm collected by smartwatches.”²³⁷ Per Snapchat, “[a]ny brand or
10 marketer can get on any app and **start targeting Gen Z [emphasis added]**. After all, Gen Z is
11 digitally native. But to effectively connect and engage with this generation, that takes a different,
12 more intentional type of platform- Snapchat.”²³⁸

13 288. Advertisers have responded, pouring into Snapchat money clearly intended for
14 advertising aimed at children. Brands like candy manufacturer Sour Patch Kids, children’s toy store
15 ToysRUs, and sugary beverage seller Kool-Aid have all run successful advertising campaigns
16 through Snapchat, frequently using augmented reality tools developed in collaboration with
17 Snapchat.

24
25 ²³⁵ Evan Spiegel, *Co-Founder and CEO of Snap, Inc.*, Goldman Sachs, at 4:43-6:23. (Oct. 2,
2019), <https://www.youtube.com/watch?v=PQIKv-GCQ-w>.

26 ²³⁶ Snap for Business, *What Does Gen Z Want From Brands?* Dec. 15, 2022),
<https://forbusiness.snapchat.com/en-US/blog/what-does-gen-z-want>.

27 ²³⁷ Snap for Business, *What Does Gen Z Want From Brands?* Dec. 15, 2022),
<https://forbusiness.snapchat.com/en-US/blog/what-does-gen-z-want>

28 ²³⁸ Snap for Business, *What Does Gen Z Want From Brands?* Dec. 15, 2022),
<https://forbusiness.snapchat.com/en-US/blog/what-does-gen-z-want>.



289. Snapchat’s age verification systems are defective. For the first two years of its existence, Snap did not even purport to limit user access to those 13 or older.²³⁹ Users were not required to input a date of birth when creating an account.²⁴⁰

290. In 2013, Snap belatedly introduced age limits (which, as explained below, it does not effectively enforce). At the same time, Snap launched a new feature called “Snapkidz” aimed at and designed to attract younger children users, while hedging against the potential user loss due to the new age limits. The Snapkidz feature allowed children under the age of 13 to take filtered photos, draw on them, save them locally on their devices, send them to others, and upload them to other apps.²⁴¹ Although this version prevented children from sharing “Snaps” on the product, it nonetheless exposed children to Snapchat’s features, which normalized and acclimatized children to using Snapchat. In addition, nothing prevented children from creating an unrestricted account

²³⁹ Team Snapchat, *iOS Update: Bug Fixes and More!*, Snapchat Blog (June 22, 2013), <https://web.archive.org/web/20130627073951/http://blog.snapchat.com:80/>.

²⁴⁰ Team Snapchat, *iOS Update: Bug Fixes and More!*, Snapchat Blog (June 22, 2013), <https://web.archive.org/web/20130627073951/http://blog.snapchat.com:80/>.

²⁴¹ Team Snapchat, *iOS Update: Bug Fixes and More!*, Snapchat Blog (June 22, 2013), <https://web.archive.org/web/20130627073951/http://blog.snapchat.com:80/>.

1 with a false date of birth on Snapchat and using the product outside the SnapKidz's limited
2 features.²⁴²

3 291. The SnapKidz feature was discontinued in or around 2016. Snap now purports to
4 prohibit users under the age of 13. But nothing prohibits the minor user from simply altering their
5 birthdate during the same session where they were just denied an account for being an underage
6 user. Snap could have implemented robust, effective age verification protocols. Instead, it has set
7 up its business and product so that nothing is done to verify the age of its users or to enforce its age
8 limitations. Snap could, but intentionally does not, verify the phone number, email address, or
9 birthdate used to create accounts, and it allows users to create multiple accounts using the same
10 email address or phone number.

11 292. Snap's executives have admitted that Snapchat's age verification "is effectively
12 useless in stopping underage users from signing up to the Snapchat app."²⁴³ Not surprisingly,
13 underage use is widespread. As of 2021, 13% of children ages 8-12 use Snapchat.²⁴⁴

14 293. Once Snapchat is installed on a user's mobile phone, the product continues to
15 download and install updates, design changes, and new features from Snapchat directly to its users.

16 294. Similarly, the absence of effective age-verification measures means that users who
17 are older can claim to be children—which is an obvious danger to the actual children on Snap's
18 product.

19
20
21
22

²⁴² See Larry Magid, *Snapchat Creates SnapKidz – A Sandbox for Kids Under 13*, Forbes (June
23 23, 2013), <https://www.forbes.com/sites/larrymagid/2013/06/23/snapchat-creates-snapkidz-a-sandbox-for-kids-under-13/?sh=7c682a555e5a>; Anthony Cuthbertson, *Snapchat admits its age verification system does not work*, Independent (Mar. 19, 2019),
24 <https://www.independent.co.uk/tech/snapchat-age-verification-not-work-underage-ageid-a8829751.html>.

25
26 ²⁴³ Isobel Asher Hamilton, *Snapchat admits its age verification safeguards are effectively useless*,
Bus. Insider (Mar. 19, 2019), <https://www.businessinsider.com/snapchat-says-its-age-verification-safeguards-are-effectively-useless-2019-3>.

27 ²⁴⁴ Victoria Rideout *et al.*, *Common Sense Census: Media use by tweens and teens*, 2021 at 5,
28 Common Sense Media, https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

1 3. **Snapchat is designed to addict children through psychological**
2 **manipulation.**

3 295. Once Snap entices children to use its product, it uses a series of product features that
4 are designed to addict children. As laid out below, those features can be broadly grouped into two
5 categories that exploit techniques discussed earlier in this Complaint. The first are social metrics
6 and other similar psychological manipulation techniques. The second are features designed to
7 encourage endless passive consumption of content on the Snapchat product. These features, in
8 tandem with each other and the other harmful features described throughout this section and
9 Complaint, induce addiction, compulsive use, and other severe mental and physical harm to the
10 child users of the Snapchat product.

11 a. **Snap designed Snapchat to drive compulsive use through a set**
12 **of social metrics and other manipulation techniques that induce**
 compulsive use.

13 296. Snapchat includes a variety of social metrics—such as Snapscores, Snap Streaks,
14 and Snap Awards—that reward users when they engage with Snapchat and punish them when they
15 fail to engage with Snapchat. Internal research by Snap has found these psychological manipulation
16 techniques are highly effective at instilling anxiety about not using Snapchat frequently enough—
17 and competitor research has confirmed these features are addictive. In tandem with Intermittent and
18 Variable Rewards (“IVR”), like push notifications and design choices that make it difficult to stop
19 using the Snapchat product, these induce compulsive use of the product by children.

20 297. These manipulation techniques are so effective in part because Snapchat’s
21 disappearing messages themselves create a compulsion to engage with the Snapchat product.
22 Because Snaps typically disappear within ten seconds of being viewed, users feel compelled to
23 reply immediately. Snap activates the psychological desire to reciprocate the social gesture of
24 sending a Snap.²⁴⁵ Snapchat also tells users each time they receive a Snap by pushing a notification
25 to the recipient’s device. These notifications are designed to prompt users to open Snapchat
26 repetitively, increasing the overall time spent on the app.

27
28 ²⁴⁵ Nir Eyal, *The Secret Psychology of Snapchat*, Nir & Far (Apr. 14, 2015),
 <https://www.nirandfar.com/psychology-of-snapchat/>.

(i) **Snapcores**

298. Snapcores were one of the earliest features of the Snapchat product. Almost as soon as Snapchat launched, Snap gave users the ability to draw and color on Snaps and add a short text caption before sending. An Android version of the app, video sharing, and user profiles with “Snapcores” soon followed.²⁴⁶

299. Originally called “Hiscore,” Snapscore keeps a running profile score based on a user’s Snapchat activity levels, such as the number of Snaps sent and received or Stories posted.²⁴⁷ The sole purpose of Snapscore is to increase product use and drive revenue.²⁴⁸



300. Although Snap does not disclose precisely how Snapcores work, sending and receiving a Snap increases the score by one point. Interacting with other product features provides additional points. A user’s Snapscore is visible on their profile, serves as a signifier of the user’s “worth,” and encourages users to further engage with Snapchat’s features to increase their score. Snapcores are important to users, especially young users, because they operate as a form of social validation, similar to an Instagram “Like.” Google has reported millions of searches for “How to

²⁴⁶ Snap Inc. Form S-1 Registration Statement (*hereafter* “Form S-1”) at 91 (Feb. 2, 2017), <https://www.sec.gov/Archives/edgar/data/1564408/000119312517029199/d270216ds1.htm>; Katie Notopoulos, *The Snapchat Feature That Will You’re your Life*, BuzzFeed News (Dec. 5, 2012), □

²⁴⁷ Snapchat Support, *What is a Snap Score?*, (“Your Snapchat score is determined by a super-secret, special equation... 🧐”) <https://support.snapchat.com/en-US/a/my-score> (“Your Snapchat score is determined by a super-secret, special equation... 🧐”).

²⁴⁸ Brad Barbz, *2020 NEW * *How To Increase Snapscore By Up To 1000 Per Minute On IOS And Android - Working 2020*, YouTube (Dec. 4, 2019), https://www.youtube.com/watch?v=Mo_tajuofLA.

1 improve Snap score.” YouTube contains numerous videos with titles like “How to Increase
2 Snapchat Score Fast.”²⁴⁹

3 301. Snapscores reward users who post videos that are viewed extensively. This
4 encourages many to use Snapchat in harmful and dangerous ways, to increase the virality of their
5 videos and increase their Snapscore. As more users engage with and forward that video to others,
6 its creator is awarded with an increased Snapscore. Snapchat’s rewards incentivize this dangerous
7 behavior, resulting too often in physical harm or humiliation in the obsessive pursuit of social
8 significance.

9 **(ii) Trophies, Charms, and Stickers**

10 302. Snap has also designed Snapchat to include user rewards, including trophies and
11 other social recognition signals, similar to “Likes” on other apps. These features are highly
12 addictive and drive compulsive use.

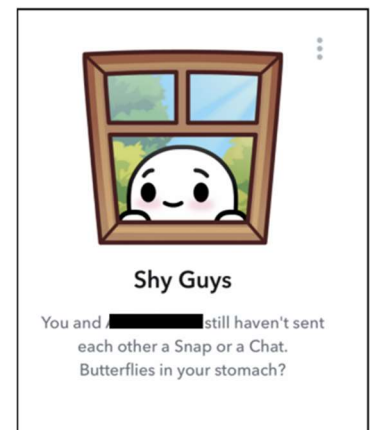
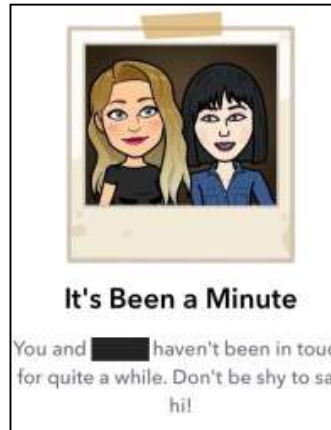
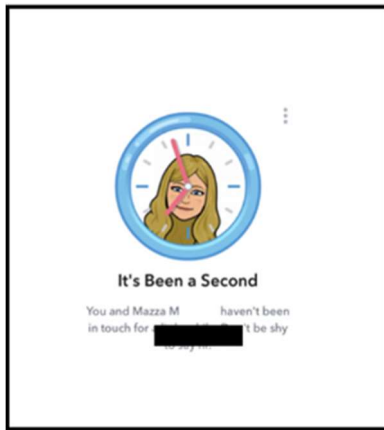
13 303. “Trophies” are emojis awarded for achieving engagement milestones or performing
14 certain activities, such as increasing one’s Snapscore, sending creative Snaps, or posting a live
15 story. A user’s “Trophies” are displayed in a “trophy box” viewable by their friends. Snap designed
16 this feature to encourage users to share their videos and posts with the public, promote greater use
17 of Snapchat, and deepen young users’ addiction to and compulsive use of the product.

18 304. In 2020, Snap phased out Trophies and replaced them with “Charms.” Unlike
19 Trophies, where users were rewarded for unlocking individual accomplishments like sending 1,000
20 selfies, Charms reward users for achieving certain milestones in their relationship with other users.
21 Typically, the more users interact with one another, the more Charms they unlock in their
22 relationship. Charms are private and viewable only by users’ mutual contacts.

23 305. For example, if two users are at the top of each other’s friends list, meaning they
24 exchange frequent Snaps, they may unlock a “BFF (Best Friends Forever)” Charm. Conversely,
25 the “It’s Been Forever” and “It’s Been a Minute” Charms may be awarded to friends who are
26 infrequently in contact, to prompt their engagement with one another on Snapchat. Although there

27 ²⁴⁹ FozTech, *How to Increase Snapchat Score Fast! (100% Works in 2023)*, YouTube (Oct. 1,
28 2019), <https://www.youtube.com/watch?v=m7s0hvQdT0k> (*How to Increase Snapchat Score Fast*
has 4.2 million views as of January 10, 2023).

are a number of different Charms awarded for various reasons, all of them encourage user interaction, furthering engagement and buy-in to Snap's reward system. This in turn exacerbates social-comparison harms and undermines self-esteem.



306. Snap incorporates other product features that, like Charms and Trophies, serve no functional purpose, but make Snapchat more appealing and lead to excessive use by children and teens. For example, Snap has developed images called “Stickers” for users to decorate the pictures or videos they post. Snap also offers app-specific emojis and animations that users can apply to their photos or videos.

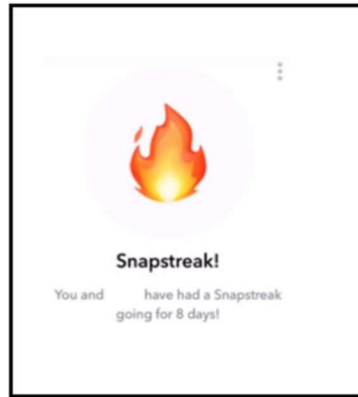
307. Snap designed each of these features to function as rewards for increased engagement, exploit underage users’ desire for social validation, and ultimately compel them to use Snapchat excessively. Because many of these rewards and scores are visible to others, these features tap into adolescents’ deep-seated need for acceptance. By exploiting this need, Snap increases time spent engaging with its product and thereby its profits.

(iii) Snap Streak

308. The “Snap Streak” is unique to Snapchat and is an addictive feature “especially to teenagers.”²⁵⁰ A Snap Streak is designed to measure a user’s Snapchat activity with another user.

²⁵⁰ See Cathy Becker, *Experts warn parents how Snapchat can hook in teens with streaks*, ABC News (July 27, 2017), <https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296>; Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you in and get you ‘addicted’*, Bus. Insider (Feb. 17 2018), <https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13>; see generally Virginia Smart & Tyana Grundig, *‘We’re designing minds’: Industry insider reveals secrets of addictive app trade*, CBC (Nov. 3, 2017), <https://www.cbc.ca/news/science/marketplace-phones-1.4384876>; Julian

Two users achieve a Snap Streak when they exchange at least one Snap in three consecutive 24-hour periods. When the Streak is achieved, users receive a fire emoji next to their profile avatar. Over time, users may be rewarded with additional emojis signifying their Streak. If users reach a Streak of 100 days, for example, each receives a 100 emoji.



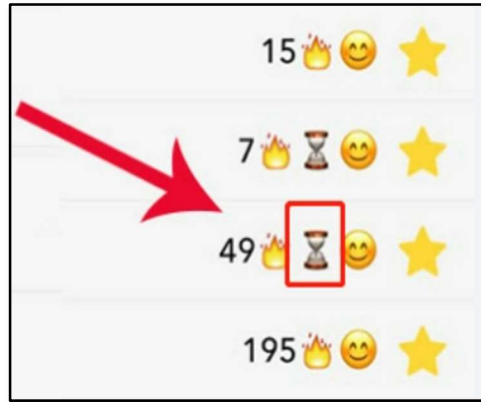
309. Snap Streak emojis are similar to Charms in that they reward users for interaction and are viewable only by mutual friends.

310. It is a matter of common knowledge in the social media industry that the Snap Streak product feature is designed to be addictive. Nonetheless, Snap continues to provide this feature to its adolescent users.

311. Worse still, to manufacture deeper addiction to its product, Snap sends notifications to users with an hourglass emoji when Streaks are about to expire—to create extra urgency, nudge users to keep their Streaks alive, and maintain a system where a user must “check constantly or risk missing out.”²⁵¹

Morgans, *The Secret Ways Social Media is Built for Addiction*, Vice (May 17, 2017), <https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-addiction>.

²⁵¹ Lizette Chapman, *Inside the Mind of a Snapchat Streaker*, Bloomberg (Jan. 30, 2017), <https://www.bloomberg.com/news/features/2017-01-30/inside-the-mind-of-a-snapchat-streaker>.



312. This feature is particularly effective with teenage users since Streaks are “a vital part of using the app and their social lives as a whole.”²⁵² Some children become so obsessed with maintaining their Streaks that they give their friends access to their accounts when they may be away from their phone for a day or more.²⁵³ Aware of how important maintaining a Snap Streak is to its users, Snap has even launched a special form on its support website allowing users who lost their streak to petition to get it back.²⁵⁴

313. Snap Streaks contribute to feelings of social pressure and anxiety when users lose or break a Streak. Researchers have found that losing a Streak can cause feelings of betrayal for some users, especially girls, who reported “negative” feelings when losing a Streak with one of their friends.²⁵⁵

314. Streaks are important to users. However, these design features do not enhance the communication function of the product. Instead, they exploit users’ susceptibility to social pressure and to the compulsive accumulation of other rewards, including Snap Score points and Charms.

²⁵² Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you in and get you ‘addicted’*, Bus. Insider (Feb. 17, 2018), <https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13>.

²⁵³ Caroline Knorr, *How to resist technology addiction*, CNN (Nov. 9, 2017), <https://www.cnn.com/2017/11/09/health/science-of-tech-obsession-partner/index.html>; Jon Brooks, *7 Specific Tactics Social Media Companies Use to Keep You Hooked*, KQED (June 9, 2017), <https://www.kqed.org/futureofyou/397018/7-specific-ways-social-media-companies-have-you-hooked>.

²⁵⁴ Snapchat Support, Contact Form, <https://support.snapchat.com/en-US/i-need-help?start=5695496404336640>.

²⁵⁵ Hristoya et al., “*Why did we lose our snapchat streak?*” Social media gamification and metacommunication. *Computers in Human Behavior Reports*, 5, 100172 (2022).

1 (iv) Push Notifications

2 315. In addition to Snapchat’s in-app reward features, Snap also sends push notifications
3 and emails to encourage addictive engagement and increase use. Notifications are triggered based
4 on information Snap collects from, and about, its users. Snap “pushes” these communications to
5 users excessively and at disruptive times of day. Snap has even designed the format of these
6 notifications to pull users back onto its app by preying on their fear of missing out—never mind
7 the consequences to their health and well-being.

8 (v) Impediments to Discontinuing Use

9 316. Snap has intentionally and defectively designed its products so child users face
10 significant navigational obstacles and hurdles when trying to delete or deactivate their Snapchat
11 accounts, despite the ease with which a user can create one. For example, when a user elects to
12 delete their account, they cannot do so on demand. The data and the account are preserved for 30
13 days. In addition, after initiating the deletion process, the user is presented with a black screen
14 depicting a crying emoji and a message that reads, “Your account will be deactivated, which means
15 friends won’t be able to contact you on Snapchat. You’ll also lose any Chats you’ve saved and
16 Snaps and Chats you haven’t opened.”²⁵⁶

17 317. This cumbersome process prioritizes user retention and continued use over the well-
18 being of Snapchat’s users.

19 b. Snap’s defective features are designed to promote compulsive
20 and excessive use.

21 (i) “Stories” and the “Discover” Interface

22 318. In October 2013, Snap added “Stories,” a feature that generates a compilation of its
23 users’ designated photos and videos that expire in 24 hours and can be viewed an unlimited number
24 of times by friends or anyone on Snapchat if the user sets the visibility setting to Everyone.²⁵⁷

25
26 ²⁵⁶ See Snapchat Support, *How do I delete my Snapchat account?*,
27 <https://support.snapchat.com/en-US/a/delete-my-account1>

28 ²⁵⁷ Darrell Etherington, *Snapchat Gets Its Own Timeline With Snapchat Stories, 24-Hour Photo & Video Tales*, TechCrunch (Oct. 3, 2013), <https://techcrunch.com/2013/10/03/snapchat-gets-its-own-timeline-with-snapchat-stories-24-hour-photo-video-tales/>.

1 Within eight months of launching the Stories feature, users were viewing more Stories per day than
2 Snaps.²⁵⁸

3 319. Snap's Stories feature includes a running view count and list of viewers for each
4 Story, both of which provide users with dopamine-triggering feedback that encourages users to
5 make their Stories visible to everyone in order to increase the view count. The view count, view
6 list, and ephemeral nature of Stories also reinforces the principle of reciprocity and compels users
7 to monitor Stories, so they do not miss out.

8 320. In 2016, Snap updated the Stories feature to include recommendations based on an
9 algorithm that considers "proximity, time, interestingness, or other such metrics."²⁵⁹ That same
10 year, Snap introduced ads between Stories and updated Stories to include "Auto-Advance," a
11 feature that starts a new Story automatically after the preceding one ends.²⁶⁰ This creates an endless
12 cycle of consumption that Snap knows, or should know, is detrimental to users' mental health.²⁶¹
13 Nevertheless, Snap designed and implemented this feature because it is proven to induce a flow
14 state that increases product use, regardless of whether the use is healthy or enjoyable.
15 Unsurprisingly, one study of over 2,000 UK residents found 68% of respondents who used
16 Snapchat reported that "the platform prevented them from sleeping."²⁶²

17 321. Since then, Snap has built upon its Stories interface with "Discover," a feature that
18 showcases a continuous feed of advertisements to Snapchat's captive audience. Using Discover,
19 users may subscribe to an advertiser's "channel" and watch its Stories; as well as see what their
20 friends are watching.

21 ²⁵⁸ Ellis Hamburger, *Surprise: Snapchat's most popular feature isn't snaps anymore*, The Verge
22 (Jun. 20, 2014), [https://www.theverge.com/2014/6/20/5827666/snapchat-stories-bigger-than-](https://www.theverge.com/2014/6/20/5827666/snapchat-stories-bigger-than-snaps-electric-daisy-carnival)
snaps-electric-daisy-carnival

23 ²⁵⁹ Snapchat, Inc., *Content Collection Navigation and Autoforwarding*, US 20170289234,
USPTO (Mar. 29, 2016), <https://patents.justia.com/patent/20170289234>.

24 ²⁶⁰ James Vincent, Snapchat will start showing ads between your friends' stories, The Verge (Jun.
25 14, 2016), <https://www.theverge.com/2016/6/14/11930386/snapchat-ads-api-stories>; Snapchat,
Inc., *Content Collection Navigation and Autoforwarding*, US 20170289234, USPTO (Mar. 29,
26 2016), <https://patents.justia.com/patent/20170289234>.

27 ²⁶¹ See, e.g., Gino Gugushvili et al., Facebook use intensity and depressive symptoms: a
moderated mediation mode of problematic Facebook use, age, neuroticism, and extraversion at 3,
BMC Psych. 10, 279 (2022), <https://doi.org/10.1186/s40359-022-00990-7>.

28 ²⁶² Frazer Deans, *Curb Your Snapchat Addiction*, [https://www.wholesome.design/advent-2018/2-](https://www.wholesome.design/advent-2018/2-curb-your-snapchat-addiction/)
curb-your-snapchat-addiction/.

1 322. Both Stories and Discover encourage user engagement with Snapchat and increase
2 the amount of time users spend using the product by making the product more addictive at the
3 expense of users' mental health and well-being.

4 (ii) **"Spotlight"**

5 323. In November 2020, Snap launched "Spotlight," a feature that pushes to users "an
6 endless feed" that Snap curates from its 300 million daily Snapchat users.²⁶³ Spotlight functions
7 and appears nearly identical to TikTok, with similar addictive qualities and harms. Snapchat's
8 Spotlight feature allows users to make videos that anyone can view, and Snap pays users whose
9 Spotlight videos go viral, thus serving as yet another reward system that encourages user
10 engagement. After Snap introduced Spotlight, user time spent on the product increased by over
11 200%.²⁶⁴

12 324. In February 2022, Snap CEO Evan Spiegel told investors that users are spending
13 more time on Spotlight than almost any other aspect of Snapchat. A year prior, Snap announced
14 "Spotlight Challenges," which provided users with cash prizes for creating Spotlight videos with
15 specific lenses, sounds, or topics, further integrating the user into the Snap ecosystem. Snap claims
16 it paid out more than \$250 million in cash prizes to Spotlight Challenge participants in 2021
17 alone.²⁶⁵

18 4. **Snap designed Snapchat with features that harm children directly or**
19 **expose children to harm.**

20 325. Snapchat further contains a number of features which foreseeably cause children
21 harm above and beyond harms inherent in addiction and compulsive use.

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25 ²⁶³ Salvador Rodriguez, *Snap is launching a competitor to TikTok and Instagram Reels*, CNBC
26 (Nov. 23, 2020), <https://www.cnbc.com/2020/11/23/snap-launching-a-competitor-to-tiktok-and-instagram-reels.html>.

27 ²⁶⁴ See *Snap Q4 Earnings Beat Estimates, User Growth Aids Top Line*, Zacks Equity Research
(Feb. 5, 2021), <https://finance.yahoo.com/news/snap-q4-earnings-beat-estimates-153003950.html>.

28 ²⁶⁵ Mia Sato, *Snapchat will put ads within stories and share the money with creators* (Feb. 14, 2022), <https://www.theverge.com/2022/2/14/22927656/snapchat-snap-stars-stories-ads>.

1 a. **Disappearing “Snaps” and “My Eyes Only” encourage**
2 **destructive behavior among Snap’s teen users.**

3 326. As discussed above, Snapchat’s “Snap” feature allows users to send and receive
4 ephemeral, or “disappearing,” audiovisual messages. Prior to sending a Snap, a user can designate
5 the period of time—typically no more than a few seconds—that the recipient will be allowed to
6 view the Snap. According to Snapchat, once the allotted time expires, the Snap disappears forever.

7 327. Snapchat’s limited display time reduces teenagers’ communication apprehension
8 and encourages users to send photos depicting deviant behavior.²⁶⁶ Sexting is a prime example, but
9 cyberbullying, underage alcohol consumption, and illicit use of narcotics are also commonly the
10 subject of Snaps. A 2016 survey of pre-teens and teens ages 12-17 found that “dick pics” were
11 among some of the unwanted content that users—predominantly females—received while using
12 the app.²⁶⁷

13 328. Disappearing Snaps do not operate as advertised. Although designed to disappear
14 after an allotted time, recipients possess the ability to save or record them at will. This is particularly
15 harmful to adolescents, who rely on Snap’s representations when taking and sending photos, and
16 who only learn after the fact that recipients have the means to save photos or videos. In some cases,
17 this can lead to sexual exploitation.

18 329. Snap could, but does not, warn users, including children and teenagers, that Snaps
19 may not necessarily disappear.

20 330. In addition, and especially for pre-teen users, Snaps are defective because Snap’s
21 parental controls are ill-equipped to mitigate the risks posed by this feature. As set forth below,
22 even with parental controls activated, parents are unable to view a Snap’s content and therefore
23 cannot adequately protect their children and/or deter their children from engaging in dangerous
24 behavior in conjunction with sending Snaps.

26 ²⁶⁶ See Vaterlaus et al., “Snapchat is more personal”: An exploratory study on Snapchat
27 behaviors and young adult interpersonal relationships, *Computers in Human Behavior*, 62, 594-
601 (2016).

28 ²⁶⁷ Kofoed et al., (2106) *A snap of intimacy: Photo-sharing practices among young people on*
social media, *First Monday* 21(11), <https://doi.org/10.5210/fm.v21i11.6905>.

1 331. “My Eyes Only” is yet another defective feature of Snapchat. This feature enables
2 and encourages users to hide harmful content from their parents in a special tab that requires a
3 passcode. Content cannot be recovered from “My Eyes Only”—allegedly even by Snap itself. Snap
4 designed “My Eyes Only” knowing it would likely be used to store potentially illegal and injurious
5 photos and images like sexts and CSAM.²⁶⁸ This dangerous product feature unreasonably increases
6 the risk that Snapchat’s adolescent users, many under age 13, will be targeted and sexually
7 exploited and/or trafficked by child predators.

8 332. The content in “My Eyes Only” self-destructs if a user attempts to access the hidden
9 folder with the wrong code. “My Eyes Only” has no practical purpose or use other than to hide
10 potentially dangerous content from parents and/or legal owners of the devices used to access
11 Snapchat. Moreover, while this information and evidence should be in Snap’s possession and
12 control, it has designed this feature in a way that causes the permanent loss of relevant, material,
13 and incriminating evidence.

14 **b. Snapchat’s “Snap Map” feature endangers children.**

15 333. Snapchat also contains a feature called “Snap Map” that allows users to share their
16 location with their followers (and the public) on an activity-level-based, color-coded heatmap. At
17 all relevant times, this feature has been available to all users, including minors. Although users can
18 disable “Snap Map,” this is not a default setting.

19 334. Snap Map is an unreasonably dangerous feature for underage users because it
20 provides strangers with their locations, exposing children and adolescents to potential harm.
21 Researchers have also found that Snap Map causes feelings of sadness and anxiety for some users,
22 as they jealously view their friends’ locations.²⁶⁹ For young people especially, such social
23 comparison often leads to distress and depression.

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25 _____
26 ²⁶⁸ Salvador Rodriguez, *Snapchat Finally Acknowledges the Existence of Sexting With 'Memories'*
27 *The latest app update includes a tool called "My Eyes Only" that lets you privately store sensitive*
28 *photos and videos*, Inc., (Jul. 6, 2016), <https://www.inc.com/salvador-rodriguez/snapchat-memories-sexting.html>.

²⁶⁹ See Dunn et al., “*Oh, Snap!*”: *A Mixed-Methods Approach to Analyzing the Dark Side of Snapchat*, *The Journal of Social Media in Society*, 9(2), 69-104 (2020).

1 335. Snap Map also functions as a social metric. A report by 5Rights, a United Kingdom-
2 based children's online safety advocacy group highlighted the experience of John, a 14 year old
3 boy, who explained that "[h]aving more connections on Snapchat makes his Snap Map look more
4 crowded, which he can then show off to people in real life and therefore appear more 'popular.'"²⁷⁰

5 **c. Snapchat's "Quick Add" feature endangers children.**

6 336. Through a feature known as "Quick Add," Snap recommends new, sometimes
7 random friends, similar to Facebook's "People You Might Know" feature. Suggestions are
8 formulated using an algorithm that considers users' friends, interests, and location. Quick Add
9 encourages users to expand their friend base to increase their Snapscore by interacting with an ever-
10 expanding group of friends, which--in addition to expanding their time online--can result in
11 exposure to dangerous strangers. Of particular concern, until 2022, Quick Add's suggestions
12 included profiles for users Snap knew to be between the ages of 13-17, meaning that Quick Add
13 could, and in fact did, recommend that a minor and adult user connect.

14 337. Criminal users interested in selling drugs to minors have utilized the Quick Add
15 feature to find random friends interested in making a purchase.

16 338. Despite these dangers Snap designed Quick Add because it increases the odds that
17 users will add friends, send more Snaps, and spend more time using Snapchat.

18 339. In 2022, Snap revised the Quick Add feature to limit the friend suggestions
19 promoted to minor users. For those aged 13 to 17, Quick Add would only suggest friends who
20 shared a certain number of common friends with the minor user. Snap did not disclose how many
21 common friends must be shared by each user to satisfy this safety feature. Further, this modification
22 to the Quick Add feature still does not prohibit the connection of minors with adults.

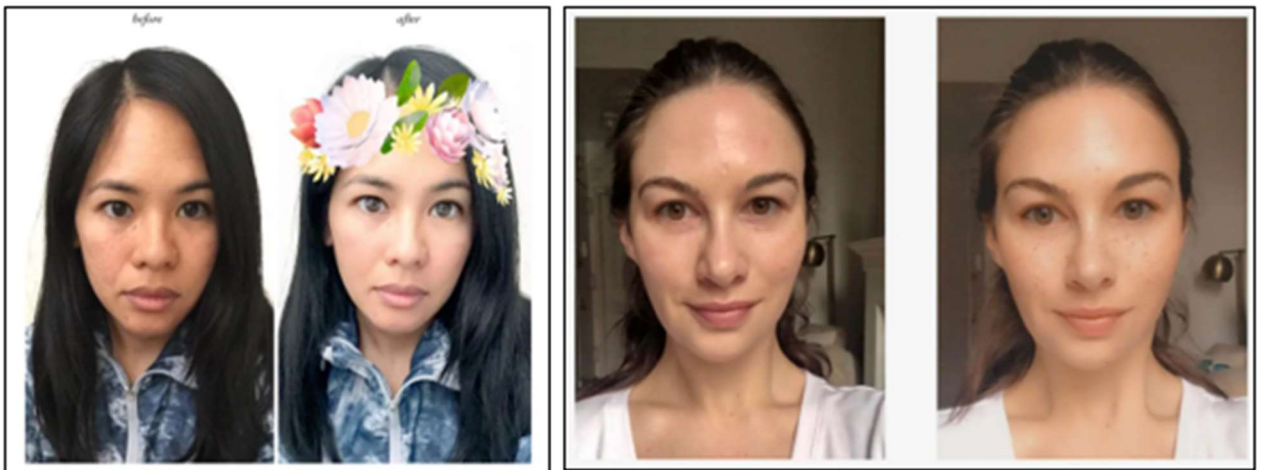
23 **d. Snapchat's Lenses and Filters features promote negative**
24 **appearance comparison.**

25 340. Snap also incorporates numerous custom-designed lenses and filters, which allow
26 users to edit and overlay augmented-reality special effects and sounds on their Snaps. Many of
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28 ²⁷⁰ 5Rights Foundation, Pathways: How digital design puts children at risk (July 2021),
<https://5rightsfoundation.com/uploads/Pathways-how-digital-design-puts-children-at-risk.pdf>.

1 Snapchat's lenses and filters change users' appearance and face, creating unrealistic, idealized
2 versions that cause profound body image issues in teenagers, especially girls.

3 341. Examples of these features include the Smoothing Filter, which blurs facial
4 imperfections and evens out skin tone; Bold Makeup, which adds makeup over the user's face,
5 blurs imperfections, and evens out skin tone; Sunkissed and Cute Freckles, which adds freckles
6 over the nose and cheeks, blurs imperfections, evens out skin tone, and adjusts skin color; Face and
7 Body Mellow Glow, which smooths the face and body and adjusts skin color; and Fluffy Eyelashes,
8 which alters the shape of the user's face by lifting their eyes and adding more pronounced cheek
9 bones. The common theme among all of these filters is that they remove the subjects' perceived
10 blemishes to create the perfect "selfie."

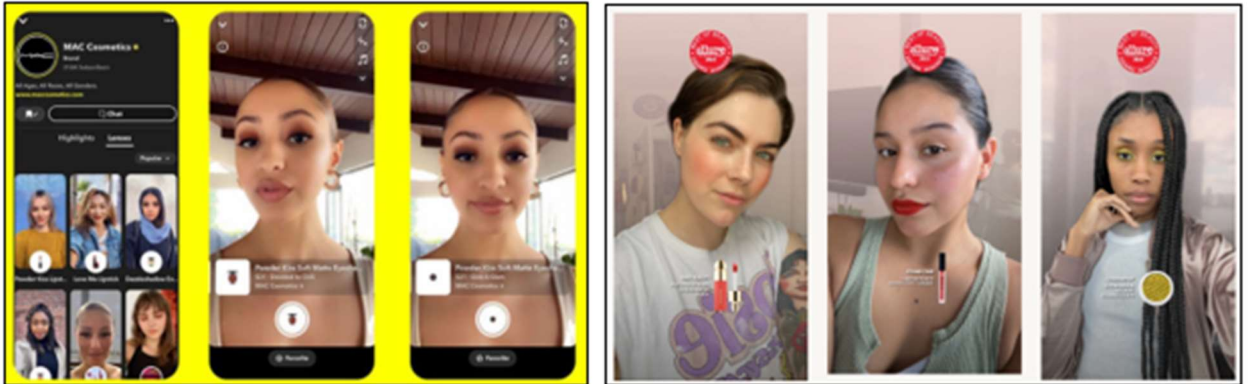


18 342. A 2017 study found that these features made Snapchat one of the worst social media
19 products for the mental health of children and adolescents, behind only Instagram.²⁷¹ In recent
20 years, plastic surgeons have reported an increase in requests for alterations that correspond to
21 Snapchat's filters. This has led researchers to coin the term "Snapchat Dysmorphia," in which the
22 effect of Snapchat's filters triggers body dysmorphic disorder.²⁷² The rationale underlying this
23 disorder is that beauty filters on Snapchat create a "sense of unattainable perfection" that leads to
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25 ²⁷¹ Kara Fox, *Instagram worst social media app for young people's mental health*, CNN (May 19,
26 2017), <https://www.cnn.com/2017/05/19/health/instagram-worst-social-network-app-young-people-mental-health/index.html>.

27 ²⁷² Chen et al., *Association Between Social Media and Photograph Editing Use, Self-esteem, and*
28 *Cosmetic Surgery Acceptance*, JAMA Facial Plastic Surgery, 2019; See also Nathan Smith &
Allie Yang, *What happens when lines blur between real and virtual beauty through filters*, ABC
News (May 1, 2021), <https://abcnews.go.com/Technology/lines-blur-real-virtual-beauty-filters/story?id=77427989>.

1 self-alienation and damages a person's self-esteem.²⁷³ One social psychologist summarized the
2 effect as “the pressure to present a certain filtered image on social media,” which can certainly play
3 into [depression and anxiety] for younger people who are just developing their identities.”²⁷⁴



10 343. Snap also created and promoted “smart filters” that allowed users to stamp
11 date/time, temperature, battery life, altitude, and speed on their Snaps.²⁷⁵ These filters utilize sensor
12 data on users’ devices to provide the desired filter stamp.

13 344. A particularly dangerous smart filter is the speed filter, which from 2013 to 2021
14 allowed users to record their real-life speed and overlay that speed onto Snaps. Snap knew, or
15 should have known, that the speed filter served no purpose other than to motivate, incentivize,
16 and/or encourage users to drive at dangerous speeds in violation of traffic and safety laws. Indeed,
17 soon after launching its speed filter, the feature became a viral game for users—particularly teenage
18 users—to capture photos and videos of themselves driving at 100 miles-per-hour or more.
19 Tragically, the quest to capture a 100 mile-per-hour Snap caused a number of fatal vehicle accidents
20 involving teens and young adults.²⁷⁶

21 ²⁷³ Chen et al., *Association Between Social Media and Photograph Editing Use, Self-esteem, and*
22 *Cosmetic Surgery Acceptance*, JAMA Facial Plastic Surgery, 2019; See also Nathan Smith &
23 Allie Yang, *What happens when lines blur between real and virtual beauty through filters*, ABC
24 News (May 1, 2021), <https://abcnews.go.com/Technology/lines-blur-real-virtual-beauty-filters/story?id=77427989>.

25 ²⁷⁴ Nathan Smith & Allie Yang, *What happens when lines blur between real and virtual beauty*
26 *through filters*, ABC News (May 1, 2021), <https://abcnews.go.com/Technology/lines-blur-real-virtual-beauty-filters/story?id=77427989>.

27 ²⁷⁵ Karissa Bell, *Snapchat adds an altitude filter to show how high you are*, (Aug.19, 2016),
28 <https://mashable.com/article/snapchat-altitude-filter-how-to>.

²⁷⁶ *Did Snapchat play role in deaths of 3 young women?*, ABC6 Action News (Feb. 16, 2016),
<https://6abc.com/action-news-investigation-snapchat-fatal-car-crash-philadelphia/1196846/>;
Manpreet Darroch, *Snapchat and driving . . . you could be sending your last snap* (Apr.25, 2016),

1 345. Snap knew, or should have known, its speed filter created an unreasonable risk of
2 harm to its users and the public. Despite this knowledge, however, as well as pleas from the public
3 to disable the filter, Snap refused to remove the filter from its application until 2021.²⁷⁷

4 346. By including features like lenses, cartoonish filters, and stamps to attract ever-
5 increasing numbers of children to use and engage with its product, Snap has knowingly created a
6 product that leads to excessive use by children and teens and causes them to suffer harm.

7 **5. Snap has implemented ineffective and misleading parental controls,**
8 **further endangering children.**

9 347. Snap has also designed and set up Snapchat with inadequate parental controls.

10 348. From Snapchat's launch in 2011 until August 2022, Snapchat had no parental
11 controls even though its core user base was under the age of 18 and a significant number of those
12 users were under the age of 13.

13 349. In August 2022, Snap introduced the "Family Center." The features and processes
14 offered through the Family Center are woefully inadequate to protect teen and pre-teen users. The
15 Family Center allows a parent or guardian to install Snapchat on their phone and then link to the
16 child's account. The parent or guardian can then see who the child user is communicating with.
17 However, the content of these communications remains hidden and still disappears after the allotted
18 time. In addition, the Family Center does not allow a parent or guardian to block minors from
19 sending private messages, control their child's use or engagement with many of Snapchat's product
20 features, control their child's use of Snapchat's geolocation feature, or control who their child may
21 add to their friend list. Finally, the Family Center fails to help a parent monitor their child's account
22 when the child has secretly created a Snapchat account without the parents' knowledge in the first
23 place.

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25 <http://www.youthforroadsafety.org/news-blog/news-blog-item/t/snapchat-and-driving-hellip-you-could-be-sending-your-last-snap>; *The Most Dangerous App on Your Phone*,
26 *DistractedDriverAccidents.com*, <https://distracteddriveraccidents.com/the-most-dangerous-app-on-your-phone/>.

27 ²⁷⁷ Bobby Allyn, *Snapchat Ends 'Speed Filter' That Critics Say Encouraged Reckless Driving*,
28 NPR (June 17, 2021), <https://www.npr.org/2021/06/17/1007385955/snapchat-ends-speed-filter-that-critics-say-encouraged-reckless-driving>.

1 **6. Snap facilitates the spread of CSAM and child exploitation.**

2 350. Despite being marketed to and designed for children, Snapchat includes a number
3 of features that promote and dramatically exacerbate sexual exploitation, the spread of CSAM,
4 sextortion, and other socially maladaptive behavior that harms children. Snap knows or should have
5 known that its product features are unsafe for children and that it fails to implement reasonable,
6 child-protective safeguards. For example, by failing to age-restrict its Discover feature, Snapchat’s
7 algorithm has recommended inappropriate sexual content to adolescent users. By promoting the
8 connection between minors and adults, it is facilitating child exploitation and predation. By failing
9 to implement parental controls that give parents true control over their children’s activity, Snap
10 allows harmful interactions with predators to continue unnoticed.

11 351. Like the other Defendants, as a direct consequence of the child exploitation that
12 occurs on its platform, Snapchat is tainted by illegal material that promotes and facilitates the
13 continued sexual exploitation of minors. Snap receives value in the form of increased user activity
14 for the dissemination of CSAM on its product.

15 352. Furthermore, Snapchat’s disappearing-content design, while appealing to minors,
16 makes it more difficult for parents to monitor their children’s social-media activity. This feature
17 also contributes to a sense of impunity for many users, encouraging and fomenting exploitation and
18 predatory behavior, which has been observed in multiple empirical studies.²⁷⁸ According to these
19 studies, Snapchat users believe their conduct is hidden and accordingly feel empowered to engage
20 in criminal behavior through the product without fear of getting caught.

21 353. These feelings are promoted by design. Snap intends for the product’s disappearing
22 messaging to entice users to share highly personal photos and information that many users would
23 otherwise feel uncomfortable sharing on “higher-stake” apps.²⁷⁹ In short, this design choice
24 encourages and allows minors to share harmful, illegal, and sexually explicit images while
25 providing predators with a vehicle to recruit victims. Studies have also found that the “close ties”

26 ²⁷⁸ *Snapchat by the Numbers: Stats, Demographics & Fun Facts*, Omnicore (Mar. 2, 2022),
27 <https://www.omnicoreagency.com/snapchat-statistics/>.

28 ²⁷⁹ See Evelyn Lopez et al., *The Gratifications of Ephemeral Marketing Content, the Use of Snapchat by the Millennial Generation and Their Impact on Purchase Motivation*, Global Bus. Rev. (2021), <https://journals.sagepub.com/doi/pdf/10.1177/09721509211005676>.

1 generated between teenagers on Snapchat foster the conditions for grooming and other predatory
2 behavior.

3 354. As a result, Snapchat is one of the go-to products for sexual predators.²⁸⁰

4 355. In 2014, Snap introduced “Snapcash,” a peer-to-peer mobile payment service.
5 Snapcash provided a way for users to pay for private content with little to no oversight.²⁸¹ Snapcash
6 enabled CSAM and other sexual exploitation, as users were paid with Snapcash to send, receive,
7 create, publish, save, accept, or otherwise participate in CSAM. It also enabled predators to extort
8 cash from adolescent users by threatening to disseminate CSAM to other users.

9 356. Snapcash was abruptly removed from Snapchat in 2018 as users were sending
10 sexually explicit photos and using Snapcash for payment.²⁸²

11 357. Snapchat also allows users to voice or video call one another in the app.²⁸³ This
12 feature is dangerous when paired with the many others that permit easy access to minors by
13 predators, such as Quick Add and Snap Map. It allows predators to call and video chat with minors
14 in private, with virtually no evidence of what was exchanged. Predators use this function to identify
15 children willing to add and speak with a stranger, and then prey on the child’s vulnerabilities.

16 358. Collectively, these product features promulgate communication and conduct with a
17 false sense of intimacy between users and encourage predators to use Snapchat to target children
18 for grooming, sexual exploitation, sextortion, and CSAM.

19 359. In November 2019, a bipartisan group of Senators sent a letter to leading tech
20 companies, including Snapchat. The letter sought answers about the online sexual grooming of
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23 ²⁸⁰ See, e.g., Rebecca Woods, *What Are The Dangers Of Snapchat To Avoid?*, PhoneSpector
(June 16, 2021), <https://phonespector.com/blog/what-are-the-dangers-of-snapchat-to-avoid/>.

24 ²⁸¹ Kurt Wagner, *Snapchat to Let You Send Money to Friends, Thanks to Square*, Vox,
25 <https://www.vox.com/2014/11/17/11632930/snapchat-to-let-you-send-money-to-friends-thanks-to-square>.

26 ²⁸² Christian Hargrave, *Snapcash Goes Away After Excessive Feature Misuse*, App Developer
27 Magazine (July 25, 2018), <https://appdeveloperomagazine.com/snapcash-goes-away-after-excessive-feature-misuse/>.

28 ²⁸³ Snapchat Support, *How to Start a Video Chat on Snapchat*, <https://support.snapchat.com/en-GB/a/video-chat#:~:text=You%20can%20Video%20Chat%20with,into%20a%20full%2Dscreen%20Chat>.

1 children and CSAM detection technologies.²⁸⁴ The following year, ParentsTogether, a national
2 parent group, delivered a petition from 100,000 parents to Snap demanding that the company do
3 more to “protect children from sexual abuse and exploitation” on Snapchat.²⁸⁵ The petition listed
4 numerous examples of widespread online sexual grooming of children, including: a high school
5 coach in New Mexico who used Snapchat to extort sexual videos from several girls as young as
6 fourteen; a Cleveland man who posed as a therapist and blackmailed a thirteen-year-old girl into
7 sending him sexual videos and photos; and a Virginia man who was arrested for running a
8 sextortion ring on Snapchat, coercing children into sending sexually explicit material.²⁸⁶

9 360. In response, Snap announced that by Fall of 2020, it would deploy technology in
10 addition to Microsoft’s PhotoDNA to help stop the spread of CSAM through its product.

11 361. By failing to utilize these technologies until late 2020, Snap harmed adolescent users
12 as its product contributed to child exploitation, sextortion, and the spread of CSAM.

13 362. In addition, while Snapchat allows users to report harmful images or videos, they
14 cannot specifically report CSAM that is sent to a user via direct messaging, including from another
15 user’s camera roll.

16 363. Snapchat’s disappearing messages cannot be reported at all.

17 364. While Snap states that it is using “technology to identify *known* illegal images and
18 videos of CSAM and report them to NCMEC,” it does not address how Snapchat’s design
19 contributes to the ongoing proliferation of CSAM materials and the sexual exploitation of its
20 adolescent users.

21 365. Utilizing the data and information it collects about Snapchat’s users, Snap could
22 detect, report, and take actions to prevent instances of sexual grooming, sextortion, and CSAM
23 distribution.

24 ²⁸⁴ *Letter to Sundar Pichai and 36 other Tech Companies by Senate Committee* (Nov. 18, 2019),
25 <https://www.blumenthal.senate.gov/imo/media/doc/11.18.19%20-%20Google%20-%20CSAM.pdf>.

26 ²⁸⁵ *Snapchat: Prevent Pedophiles from Sharing Abuse Videos*, <https://parents-together.org/snapchat-petition>.

27 ²⁸⁶ *Snapchat: Prevent Pedophiles from Sharing Abuse Videos*, <https://parents-together.org/snapchat-petition>.
28

1 366. Despite receiving numerous reports regarding how its product’s features contribute
2 to child exploitation, Snap has elected to keep many of these features in place.²⁸⁷ It has done so
3 because removing them would significantly diminish Snapchat’s popularity and negatively impact
4 profits.

5 367. Notwithstanding these glaring flaws, Snap advertises and promotes its product as
6 safe and fun. Snap’s Vice President of Global Public Policy, Jennifer Stout, stated in written
7 testimony to a Senate Subcommittee that Snap takes “into account the unique sensitivities and
8 considerations of minors when we design products”²⁸⁸ when, in fact, Snap intentionally designed
9 its product to promote compulsive and excessive use and help underage users conceal information
10 from their parents. Stout claimed that Snap makes it harder for strangers to find minors when, in
11 fact, Snapchat’s “Quick Add” feature is responsible for introducing minors to complete strangers,
12 and its “Snap Map” feature has enabled threats, exploitation, and location of minors by complete
13 strangers. Likewise, Snap’s Head of Global Platform Safety, Jacqueline Beauchere, represented to
14 the public that “Snapchat is designed for communications between and among real friends; it
15 doesn’t facilitate connections with unfamiliar people like some social media platforms.”²⁸⁹ But
16 again, this is not true and/or historically was not the case.

17 368. In addition, Snap knows or should have known, that its products facilitate and
18 encourage the production, possession, distribution, receipt, transportation, and dissemination of
19 millions of materials that exploit children and violate child pornography laws. Snap further knows,
20 or should have known, that its product facilitates the production, possession, distribution, receipt,
21 transportation, and dissemination of materials that depict obscene visual representations of the
22 sexual abuse of children.

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24 ²⁸⁷ See, e.g., Zak Doffman, *Snapchat Has Become A ‘Haven For Child Abuse’ With its “Self-*
25 *Destructing Messages’*, Forbes (May 26, 2019),
<https://www.forbes.com/sites/zakdoffman/2019/05/26/snapchats-self-destructing-messages-have-created-a-haven-for-child-abuse/?sh=411b8e1d399a>.

26 ²⁸⁸ Snap’s Senate Congressional Testimony - Our Approach to Safety, Privacy and Wellbeing,
27 <https://values.snap.com/news/senate-congressional-testimony-our-approach-to-safety-privacy-and-wellbeing>.

28 ²⁸⁹ *Snap’s Meet Our Head of Global Platform Safety*, <https://values.snap.com/news/meet-our-head-of-global-platform-safety>.

1 7. **Snap failed to adequately warn about the harms its product causes or**
2 **provide instructions regarding safe use.**

3 369. Since Snap's inception, it has failed to warn adolescent users about its products'
4 physical and mental health risks. These risks include, but are not limited to, addiction, compulsive
5 and excessive use, sexual exploitation by adult users, dissociative behavior, social isolation, and an
6 array of mental health disorders like body dysmorphia, anxiety, depression, and insomnia.

7 370. Snap targets adolescent users via advertising and marketing materials distributed via
8 digital and traditional media, including expensive advertisements placed during high-profile
9 sporting events. Snap fails to warn the targets of these ads—often minors—about the physical and
10 mental risks associated with using Snapchat.

11 371. Snap further fails to warn adolescent users during the product registration process.
12 At account setup, Snap's product contains no warning labels, banners, or conspicuous messaging
13 to adequately inform adolescent users of the known risks and potential physical and mental harms
14 associated with usage of its product. Instead, Snap allows adolescent users to easily create an
15 account (or multiple accounts) and fully access the product.

16 372. Snap's lack of adequate warnings continues after an adolescent has the Snapchat
17 product. Snap does not adequately inform adolescent users that their data will be tracked, used to
18 help build a unique algorithmic profile, and potentially sold to Snap's advertising clients, who will
19 in turn use the data to target and profile the user.

20 373. Alarmingly, Snap also does not warn adolescent users before facilitating adult
21 connections and interactions that adult predators use its product. It also fails to instruct adolescent
22 users on ways to avoid unknown adults on Snap.

23 374. Snap also fails to warn adolescent users who exhibit problematic signs of addiction
24 or are habitually and compulsively accessing the app. Instead, Snap utilizes push notifications to
25 encourage engagement with Snapchat.

26 375. In addition, despite proactively providing adolescent users with countless filtering
27 and editing tools, Snap does not warn its adolescent users regarding the mental health harms
28 associated with those heavily filtered images.

1 **E. BYTEDANCE MARKETS AND DESIGNS ITS TIKTOK TO ADDICT**
2 **YOUNG USERS, SUBSTANTIALLY CONTRIBUTING TO THE MENTAL**
3 **HEALTH CRISIS**

4 376. Since its launch, TikTok has grown exponentially. In late 2021, its owner and creator
5 ByteDance publicly stated that TikTok had 1 billion active global users, up from 55 million in early
6 2018 and 700 million in mid-2020.²⁹⁰

7 377. A large swath of TikTok's user base is comprised of American children. In July
8 2020, TikTok reported that more than one-third of its 49 million daily users in the United States
9 were 14 or younger.²⁹¹ More recently, a 2022 Pew Research Center survey reported that 67% of
10 American teenagers (age 13-17) use TikTok, with most American teenagers (58%) using the
11 product daily. Among teenage TikTok users, a quarter say they use the site or app almost
12 constantly.²⁹² In another recent report, more than 13% of young users declared they "wouldn't want
13 to live without" TikTok.²⁹³

14 378. TikTok's capture of the American youth market is no accident, but instead the result
15 of a carefully executed campaign. Early on, Alex Zhu, one of TikTok's creators, recognized that
16 "[t]eenagers in the U.S. [were] a golden audience" for this emerging social media product.²⁹⁴ To
17 cash in on this gold, ByteDance implemented a series of product features designed to attract and
18 addict young users. As Zhu explained in 2019, "[e]ven if you have tens of millions of users, you
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22 ²⁹⁰ Jessica Bursztynsky, *TikTok says 1 billion people use the app each month*, CNBC (Sept. 27,
23 2021), <https://www.cnbc.com/2021/09/27/tiktok-reaches-1-billion-monthly-users.html>.

24 ²⁹¹ Raymond Zhong & Sheera Frenkel, *A Third of TikTok's U.S. Users May Be 14 or Under,*
25 *Raising Safety* Questions, N.Y. Times (Aug. 14, 2020),
26 <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

27 ²⁹² Emily Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
28 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

²⁹³ Victoria Rideout *et al.*, *Common Sense Census: Media use by tweens and teens, 2021* at 31,
Common Sense Media (2022), [www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf](http://www.common Sense Media (2022), www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf).

²⁹⁴ Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*, N.Y.
Times (Aug. 9, 2016), <https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html>.

1 have to keep them always engaged.”²⁹⁵ This engagement has come at the cost of young users’
2 health.

3 **1. Background and overview of TikTok.**

4 379. In 2012, Beijing-based technologist Zhang Yiming paired up with an American
5 venture capitalist, Matt Huang, to launch ByteDance and its first product Jinri Toutiao (“Today’s
6 Headlines”), which utilized A.I. to gather and present world news to users on a single feed.

7 380. Following the success of its first product, ByteDance created Douyin in 2016, a
8 music-based app loosely modeled on the popular app Musical.ly. Musical.ly was a critical hit in
9 the U.S. as American teens gravitated to the platform, which allowed users, including minor users,
10 to create 15-second videos of themselves lip-syncing, dancing, or goofing around to popular songs
11 and movie scenes, and then post them to a scrollable feed for other users to see.

12 381. In 2017, ByteDance launched TikTok, a version of Douyin for the non-Chinese
13 market, and acquired Musical.ly, which by then boasted a user base of almost 60 million monthly
14 active users, for \$1 billion. Nine months later, ByteDance merged its newly acquired app into its
15 existing product, and a global version of TikTok was born.

16 382. Douyin is a version of TikTok that is exclusively for Chinese users. ByteDance’s
17 design of Douyin is profoundly different than TikTok. Douyin serves its Chinese users educational
18 and patriotic content and limits their use to just 40 minutes per day.²⁹⁶ TikTok, in sharp contrast,
19 has no usage limits and is designed to encourage addictive and compulsive use. Far from promoting
20 educational content, TikTok’s algorithm instead actively sends its young American users down a
21 harmful rabbit hole of artificially filtered “ideal” body images and dangerous viral challenges.

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26 ²⁹⁵ Biz Carson, *How A Failed Education Startup Turned into Musical.ly, The Most Popular App*
27 *You’ve Probably Never Heard Of*, Bus. Insider (May 28, 2016),
<https://www.businessinsider.com/what-is-musically-2016-5> (emphasis added).

28 ²⁹⁶ Sapna Maheshwari, *Young TikTok Users Quickly Encounter Problematic Posts, Researchers*
Say, N.Y. Times (Dec. 14, 2022), <https://www.nytimes.com/2022/12/14/business/tiktok-safety-teens-eating-disorders-self-harm.html>.

2. **ByteDance intentionally encourages youth to use its product and then leverages that use to increase revenue.**

383. ByteDance has designed and aggressively marketed TikTok, the harmful and addictive version of Douyin, to attract young Americans.

384. Like the other Defendants' products, TikTok depends on advertising revenue, which has boomed. TikTok was projected to receive \$11 billion in advertising revenue in 2022, over half of which is expected to come from the United States.²⁹⁷

385. The initial iteration of TikTok allowed users to lip sync pop music by celebrities who appealed primarily to teens and tweens (e.g., Selena Gomez and Ariana Grande). It labeled folders with names attractive to youth (e.g., "Disney" and "school"); and included in those folders songs such as "Can You Feel the Love Tonight" from the movie "The Lion King," "You've Got a Friend in Me" from the movie "Toy Story," and other renditions covering school-related subjects or school-themed television shows and movies.²⁹⁸

386. ByteDance also specifically and intentionally excluded videos that would not appeal to young Americans, instructing TikTok moderators that videos of "senior people with too many wrinkles" should not be permitted on users' "For You" pages because such content was "much less attractive [and] not worth[] . . . recommend[ing]."²⁹⁹

387. Even TikTok's sign-up process demonstrates that young users are what ByteDance values most. In 2016, the birthdate for those signing up for the app defaulted to the year 2000 (i.e., 16 years old).³⁰⁰

²⁹⁷ Jessica Bursztynsky, *TikTok says 1 billion people use the app each month*, CNBC (Sept. 27, 2021), <https://www.cnbc.com/2021/09/27/tiktok-reaches-1-billion-monthly-users.html>; Bhanvi Staija, *TikTok's ad revenue to surpass Twitter and Snapchat combined in 2022*, Reuters (Apr. 11, 2022), <https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/>.

²⁹⁸ Complaint for Civil Penalties, Permanent Injunction, and Other Equitable Relief ("Musical.ly Complaint") at p. 8, ¶¶ 26–27, *United States v. Musical.ly*, 2:19-cv-01439-ODW-RAO (C.D. Cal. Feb. 27, 2019) Dkt. # 1.

²⁹⁹ Sam Biddle et al., *Invisible Censorship: TikTok Told Moderators to Suppress Posts by "Ugly" People and the Poor to Attract New Users*, Intercept (Mar. 15, 2020), <https://theintercept.com/2020/03/16/tiktok-app-moderatorsusers-discrimination/>.

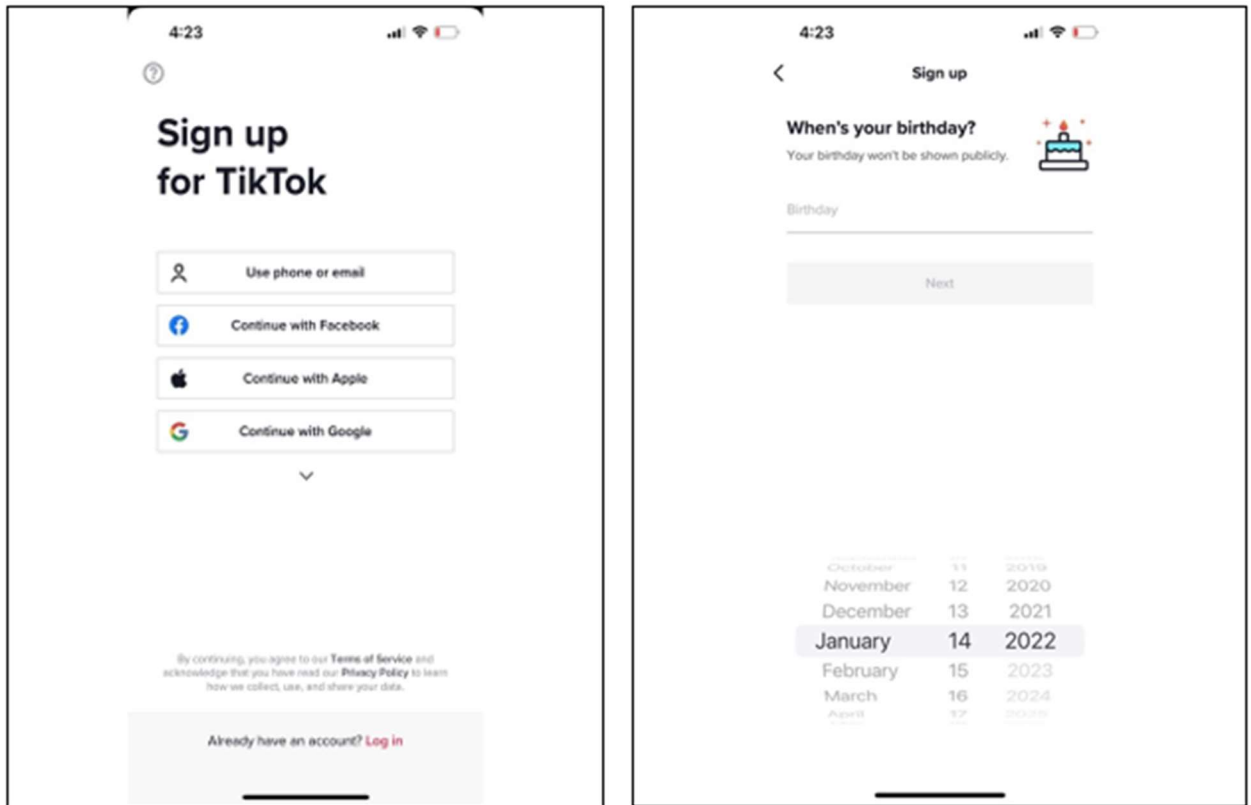
³⁰⁰ Melia Robinson, *How to Use Musical.ly, The App With 150 million Users That Teens Are Obsessed With*, Bus. Insider (Dec. 7, 2016), <https://www.businessinsider.com/how-to-use-musically-app-2016-12>.

1 3. **ByteDance intentionally designed product features to addict children**
2 **and adolescents.**

3 388. TikTok’s growth among young Americans has been further enabled by its defective
4 age verification and parental control procedures, which allow children under 13 unfettered access
5 to the app.

6 a. **TikTok’s age-verification measures are defective.**

7 389. When a user first opens TikTok, they are prompted to “Login in to TikTok” or “Sign
8 up” for an account using a phone number or email address. TikTok then asks, “When’s your
9 birthday?”



23 390. ByteDance does not verify the age that TikTok users report. Nor does it use any
24 method to verify that users who acknowledge they are minors have the consent of their parents or
25 legal guardians to use the product. In fact, at least as of 2020, TikTok still had not developed a
26 company position on age verification.

27 391. ByteDance has designed TikTok so users can circumvent TikTok’s age restrictions
28 by using TikTok without creating an account. TikTok allows users, no matter what age, to “browse

1 as [a] guest,” and watch TikTok’s “For You” page while TikTok’s algorithm collects data about
2 that user and their viewing behavior.³⁰¹

3 392. ByteDance knows that many U.S. TikTok users under the age of 13 fail to report
4 their birth dates accurately.³⁰²

5 393. In 2019, the FTC acted on this admission and alleged that ByteDance failed to
6 comply with COPPA.³⁰³

7 394. TikTok settled the FTC claims, agreeing to a then-record civil COPPA penalty and
8 several forms of injunctive relief intended to protect children who use the product.³⁰⁴

9 395. To comply with the terms of that settlement, ByteDance created “TikTok for
10 Younger Users,” a “limited app experience” for users under the age of 13.³⁰⁵ “TikTok for Younger
11 Users” does not permit users to “share their videos, comment on others’ videos, message with users,
12 or maintain a profile or followers.”³⁰⁶ However, users can still “experience what TikTok is at its
13 core” by recording and watching videos on TikTok. For that reason, experts state the app is
14 “designed to fuel [kids’] interest in the grown-up version.”³⁰⁷

15 396. Moreover, users under 13 can easily delete their age-restricted accounts and sign up
16 for an over-13 account on the same mobile device—without any restriction or verification—using
17 a fake birthdate.

19 ³⁰¹ *Browse as Guest*, TikTok Support, <https://support.tiktok.com/en/log-in-troubleshoot/log-in/browse-as-guest>.

20 ³⁰² Jon Russell, *Musical.ly Defends its Handling of Young Users, As it Races Past 40M MAUs*,
21 TechCrunch (Dec. 6, 2016), <https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/>.

22 ³⁰³ See Musical.ly Complaint, at p. 8, ¶¶ 26–27.

23 ³⁰⁴ Natasha Singer, *TikTok Broke Privacy Promises, Children’s Groups Say*, NY Times (May 14,
2020), <https://www.nytimes.com/2020/05/14/technology/tiktok-kids-privacy.html#:~:text=TikTok%2C%20the%20popular%20app%20for%20making%20and%20sharing,20%20children%E2%80%99s%20and%20consumer%20groups%20said%20on%20Thursday.>

25 ³⁰⁵ *TikTok for Younger Users*, TikTok (Dec. 13, 2019), <https://newsroom.tiktok.com/en-us/tiktok-for-younger-users>.

26 ³⁰⁶ Dami Lee, *TikTok Stops Young Users from Uploading Videos after FTC Settlement*, Verge
27 (Feb. 27, 2019), <https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-settlement-13-childrensprivacy-law>.

28 ³⁰⁷ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022),
<https://ifstudies.org/blog/istiktok-dangerous-for-teens>.

1 397. The absence of effective age verification measures also means that adult users claim
2 to be children—with obvious dangers to the children on ByteDance’s product.

3 **b. TikTok’s parental controls are defective.**

4 398. Following the FTC settlement, ByteDance created a “Family Pairing” feature on
5 TikTok. The supposed purpose of that feature was to allow parents to link their accounts to their
6 children’s accounts and enforce certain controls (such as screen time limits and restriction of
7 “content that may not be appropriate for all audiences”).³⁰⁸

8 399. “Family Pairing” also is supposed to allow parents to prevent their children from
9 direct messaging other TikTok users. But ByteDance has designed TikTok’s “Family Pairing”
10 feature so that it is not mandatory for minor users. And to use it, a parent or guardian is forced to
11 create their own TikTok account to pair it with their child’s account. Further, the “Family Pairing”
12 feature is available only on the TikTok app. It provides no protection when a child accesses TikTok
13 through a web browser. Because this feature requires parents to know the name of their child’s
14 account to pair it, youth can easily evade the protections of the “Family Pairing” feature by creating
15 anonymous accounts, again without parental approval or knowledge.

16 400. ByteDance further stymies parents’ ability to supervise minors’ use of TikTok by
17 permitting minor users to block their parent’s profile, post ephemeral videos called “Stories” that
18 disappear after 24 hours, and post those stories to “Friends Only.”

19 401. ByteDance could, but does not, adopt safety features that notify parents when minors
20 are engaging excessively with the product and are using it during sleeping hours.

21 402. Until January 13, 2021, ByteDance interfered with parental supervision and
22 endangered children by defaulting all accounts, including those registered to children as young as
23 13, to “public.” That allowed strangers to contact minor users regardless of age or location.
24 ByteDance also intentionally and actively promoted these types of connections by suggesting
25 accounts to follow through the “Find Friends” or “People You May Know” features.

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28 ³⁰⁸ *TikTok Introduces Family Pairing*, TikTok Newsroom (April 15, 2020)
<https://newsroom.tiktok.com/en-us/tiktok-introduces-family-pairing>.

1 403. Today, for users 16 and over, ByteDance still sets the default privacy setting for all
2 registered accounts to “public,” meaning that anyone can view a user’s profile, on or off TikTok,
3 request the user as a friend, or engage with the user’s content.³⁰⁹

4 c. **ByteDance intentionally designed TikTok’s defective features**
5 **and algorithms to maximize engagement using automatic**
6 **content, time-limited experiences, intermittent variable**
7 **rewards, reciprocity, and ephemeral content.**

8 404. Like each of the other Defendants, ByteDance has designed and coded TikTok with
9 features that foster addictive and compulsive use by youth, leading to a cascade of additional mental
10 and physical injuries.

11 405. One of TikTok’s defining features is its “For You” page (or “FYP”). According to
12 ByteDance, it is “central to the TikTok experience and where most of our users spend their time.”³¹⁰

13 406. TikTok’s FYP uses ByteDance’s powerful machine-learning algorithms to select
14 content to feed users to maximize their engagement and thereby serve ByteDance’s interests—as
15 opposed to simply responding to searches by users. As one industry commentator explained,
16 TikTok uses “a machine-learning system that analyzes each video and tracks user behavior so that
17 it can serve up a continually refined, never-ending stream of TikToks optimized to hold [users’]
18 attention.”³¹¹ As another commentator put it, “you don’t tell TikTok what you want to see. It tells
19 you.”³¹²

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24 ³⁰⁹ See, e.g., Lauren E. Sherman et al., *The Power of the Like in Adolescence: Effects of Peer*
25 *Influence on Neural and Behavioral Responses to Social Media*, 27(7) Psych. Sci. 1027–35 (July
26 2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5387999>.

27 ³¹⁰ *How TikTok recommends videos #ForYou*, TikTok (June 18, 2020),
28 <https://newsroom.tiktok.com/en-us/howtiktok-recommends-videos-for-you>.

³¹¹ Jia Tolentino, *How TikTok Holds Our Attention*, New Yorker (Sept. 30, 2019),
<https://www.newyorker.com/magazine/2019/09/30/how-tiktok-holds-our-attention>.

³¹² Drew Harwell, *How TikTok Ate the Internet*, Wash. Post. (Oct. 14, 2022),
<https://www.theday.com/business/20221015/how-tiktok-ate-the-internet/>.

1 407. Zhu has remarked that, “[e]ven if you have tens of millions of users, you have to
2 keep them always engaged.”³¹³ Thus, according to Zhu, TikTok’s algorithms are “focused primarily
3 on increasing the engagement of existing users.”³¹⁴

4 408. An internal document titled “TikTok Algo 101,” which TikTok has confirmed is
5 authentic, “explains frankly that in the pursuit of the company’s ‘ultimate goal’ of adding daily
6 active users, it has chosen to optimize for two closely related metrics in the stream of videos it
7 serves: ‘retention’—that is, whether a user comes back—and ‘time spent.’”³¹⁵

8 409. “This system means that watch time is key,” explained Guillaume Chaslot, the
9 founder of Algo Transparency.³¹⁶ Chaslot noted that “rather than giving [people] what they really
10 want,” TikTok’s “algorithm tries to get people addicted[.]”³¹⁷

11 410. To fulfill this goal, the TikTok algorithm responds to a user’s time spent watching
12 and engaging with a video by feeding them similar content.³¹⁸ As TikTok describes it, the
13 algorithms populate each user’s FYP feed by “ranking videos based on a combination of factors”
14 that include, among others, any interests expressed when a user registers a new account, videos a
15 user likes, accounts they follow, hashtags, captions, sounds in a video they watch, certain device
16 settings, such as their language preferences and where they are located, and finally the likelihood
17 of the user’s interest.³¹⁹

18 ³¹³ Biz Carson, *How a Failed Education Startup Turned Musical.ly, the Most Popular App You’ve*
19 *Probably Never Heard Of*, Business Insider (May 28, 2016),
20 <https://www.businessinsider.com/what-is-musically-2016-5> (emphasis added).

21 ³¹⁴ Joseph Steinberg, *Meet Musical.ly, the Video Social Network Quickly Capturing the Tween*
22 *and Teen Markets, Inc.* (June 2, 2016), [https://www.inc.com/joseph-steinberg/meet-musically-](https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quicklycapturing-the-tween-and-teen-m.html)
23 [the-video-social-network-quicklycapturing-the-tween-and-teen-m.html](https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quicklycapturing-the-tween-and-teen-m.html).

24 ³¹⁵ Ben Smith, *How TikTok Reads Your Mind*, N.Y. Times (Dec. 5, 2021),
25 <https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>.

26 ³¹⁶ Ben Smith, *How TikTok Reads Your Mind*, N.Y. Times (Dec. 5, 2021),
27 <https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>.

28 ³¹⁷ Ben Smith, *How TikTok Reads Your Mind*, N.Y. Times (Dec. 5, 2021),
<https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>.

³¹⁸ Kaitlyn Tiffany, *I’m Scared of the Person TikTok Thinks I Am*, The Atlantic (June 21, 2021),
<https://www.theatlantic.com/technology/archive/2021/06/your-tiktok-feed-embarrassing/619257/>.

³¹⁹ *Investigation: How TikTok’s Algorithm Figures Out Your Deepest Desires*, Wall St. J. (Jul. 21,
2021), [https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-](https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796)
[how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-](https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796)
[2BD6612E3796](https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796); see also *How TikTok recommends videos #ForYou | TikTok Newsroom*,
<https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

1 411. ByteDance has designed TikTok’s algorithm so that certain factors, such as time
2 spent watching a video, are more important to the algorithm than others. For example, TikTok
3 explains that, “whether a user finishes watching a longer video from beginning to end, would
4 receive greater weight than . . . whether the video’s viewer and creator are both in the same
5 country.”³²⁰

6 412. TikTok’s algorithms are designed to begin working the minute a user opens the app.
7 The FYP shows the user a single, full-screen stream of videos, then records how the user reacts. “A
8 second of viewing or hesitation indicates interest; a swipe suggests a desire for something else.”³²¹
9 With each data point collected, TikTok’s algorithm winnows a mass of content to a single feed,
10 continually refined to keep users engaging often and at length.

11 413. This algorithmic encouragement of continuous scrolling and interaction makes it
12 hard for users to disengage from the app. A recent ByteDance-funded study, which imaged the
13 brains of TikTok and other social media product users, found that those using TikTok engaged with
14 the product about 10 times a minute, twice as often as with peer apps.³²²

15 414. ByteDance leverages users’ inability to disengage as a benefit to attract advertisers,
16 rather than taking steps to address the addictive nature of its product. A recent TikTok marketing
17 document observed that “the TikTok audience is fully leaned in.”³²³ Marketing research
18 commissioned by TikTok found that compared to other social media sites, TikTok users evidenced
19 a higher frequency of rate per minute. TikTok boasted, “[o]ur algorithm and shorter video formats
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22 ³²⁰ *Investigation: How TikTok’s Algorithm Figures Out Your Deepest Desires*, Wall St. J. (Jul. 21,
23 2021), <https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796>; see also *How TikTok recommends videos #ForYou | TikTok Newsroom*,
24 <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

25 ³²¹ *Investigation: How TikTok’s Algorithm Figures Out Your Deepest Desires*, Wall St. J. (Jul. 21,
26 2021), <https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796>; see also *How TikTok recommends videos #ForYou | TikTok Newsroom*,
27 <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

28 ³²² *TikTok Ads Break Through Better Than Tv and Drive Greater Audience Engagement*, TikTok,
<https://www.tiktok.com/business/library/TikTokDrivesGreaterAudienceEngagement.pdf>.

³²³ *TikTok Ads Break Through Better Than Tv and Drive Greater Audience Engagement*, TikTok,
<https://www.tiktok.com/business/library/TikTokDrivesGreaterAudienceEngagement.pdf>.

1 create continuous cycles of engagement, making TikTok the leading platform for Information
2 Density.”³²⁴

3 415. ByteDance also creates images and GIFs for users to incorporate into TikTok videos
4 to keep users returning to the product. And ByteDance has acquired publishing rights to thousands
5 of hours of music and video, which it provides its users to attach to the videos and pictures they
6 post on TikTok.

7 416. TikTok’s powerful machine-learning algorithms dictate the content of each user’s
8 FYP. An estimated 90-95% of the content viewed on TikTok comes from its algorithms (as opposed
9 to user selection), the highest among Defendants’ products.³²⁵

10 417. The algorithm encourages use of the product, regardless of whether that use is
11 enjoyable or healthy. From TikTok’s perspective, it doesn’t matter whether you’re engaging with
12 a video because you’re horrified or angry or upset—the engagement itself is the end goal.

13 418. As the algorithm continues to refine what users see, they are “more likely to
14 encounter harmful content.”³²⁶ Indeed, TikTok’s quest to monopolize user attention often forces
15 users down “rabbit holes” of harmful content. Users end up in these rabbit holes, and become
16 trapped in them, because TikTok has optimized its algorithm’s design for retention and time spent
17 on the app.³²⁷ TikTok wants to keep users coming back as often as possible for as long as possible.

18 419. Once users are in a rabbit hole, it is extremely difficult to climb out. One user was
19 shown a few anti-vaccination conspiracy theory videos on his FYP and commented on them in an
20 attempt to refute the videos’ claims. His feed was quickly overtaken with similar videos, and it took
21 him months of intentional interaction with the app to purge this content from his FYP.³²⁸ In general,

22 ³²⁴ *TikTok Ads Break Through Better Than Tv and Drive Greater Audience Engagement, TikTok*,
23 <https://www.tiktok.com/business/library/TikTokDrivesGreaterAudienceEngagement.pdf>.

24 ³²⁵ *Investigation: How TikTok’s Algorithm Figures Out Your Deepest Desires*, Wall St. J. (Jul. 21,
25 2021), <https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796>.

26 ³²⁶ *Inside TikTok’s Algorithm: A WSJ Video Investigation*, Wall St. J. (July 21, 2021),
<https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>.

27 ³²⁷ Ben Smith, *How TikTok Reads Your Mind*, N.Y. Times (Dec. 5, 2021),
<https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>.

28 ³²⁸ Kaitlyn Tiffany, *I’m Scared of the Person TikTok Thinks I Am*, The Atlantic (June 21, 2021),
<https://www.theatlantic.com/technology/archive/2021/06/your-tiktok-feed-embarrassing/619257/>.

1 escaping a rabbit hole requires a user to repeatedly and actively strategize ways to counter the
2 algorithm, pitting individual users' David against TikTok's machine-learning Goliath.

3 420. The Wall Street Journal documented the pernicious operation of ByteDance's
4 algorithms, as shown by a recent experiment. The experimenters used bots, each programmed with
5 various interests such as sports, forestry, dance, astrology, and animals. They did not disclose these
6 interests upon registration with TikTok. Instead, TikTok's algorithm quickly learned the assigned
7 interests from the bots' behavior—that is, “by rewatching or pausing on videos” related to the bot's
8 programmed interest.³²⁹

9 421. One bot watched 224 videos in 26 minutes, lingering over videos with hashtags for
10 “depression” or “sad.” The algorithm quickly refined its output. Afterward, 93% of the videos
11 TikTok showed that bot were about depression or sadness. One post implored the bot to: “Just go.
12 Leave. Stop trying. Stop pretending. You know it and so do they. Do Everyone a favor and
13 leave.”³³⁰

14 422. ByteDance's choices about how to design and structure its app—including choosing
15 not to implement effective age gating and parental controls, in addition to choosing to design
16 algorithms to maximize engagement through pushing extreme and outrageous content—go far
17 beyond benignly organizing the content of others. Instead, they create an environment and
18 experience suited to ByteDance's goal of maximizing ad revenues—an environment and
19 experience that is unreasonably dangerous to the children and teens ByteDance targets.

20 423. In a follow-up experiment by the Wall Street Journal, bots were registered as users
21 between 13 and 15 years-old. One of those bots, programmed to pause on videos referencing drugs,
22 lingered briefly on “a video of a young woman walking through the woods with a caption” referring
23 to “stoner girls.” The next day, the algorithm showed the bot a video about a “marijuana-themed
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27 ³²⁹ *Inside TikTok's Algorithm: A WSJ Video Investigation*, Wall St. J. (July 21, 2021),
<https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>.

28 ³³⁰ *Inside TikTok's Algorithm: A WSJ Video Investigation*, Wall St. J. (July 21, 2021),
<https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>.

1 cake.” Then, the “majority of the next thousand videos” that TikTok’s algorithm produced “tout[ed]
2 drugs and drug use,” including marijuana, psychedelics, and prescription drugs.³³¹

3 424. The algorithm immersed another bot—registered as a 13-year-old boy—into a rabbit
4 hole of videos related to bondage and sex, including videos explaining, among other things, “how
5 to tie knots for sex, recover from violent sex acts and discussing fantasies about rape.”³³² The bot
6 simply searched for the term “onlyfans”—a site known for hosting adult entertainment—and
7 watched a handful of videos in the results before returning to the FYP.³³³ The algorithm
8 subsequently bombarded the bot with videos about sex and, as the bot lingered on those videos, the
9 bot’s feed became almost entirely dominated by sex-related videos. At one point, “more than 90
10 percent of [the] account’s video feed was about bondage and sex.”³³⁴

11 425. The Wall Street Journal concluded “that through its powerful algorithms, TikTok
12 can quickly drive minors—among the biggest users of the app—into endless spools of content about
13 sex and drugs.”³³⁵ In another follow-up experiment, the Wall Street Journal found that once
14 TikTok’s algorithm determined that the bots would rewatch videos related to weight loss, it
15 “speedily began serving more, until weight-loss and fitness content made up more than half their
16 feeds—even if the bot never sought it out.”³³⁶

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22 ³³¹ Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8,
2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944>.

23 ³³² Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8,
2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944>.

24 ³³³ Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8,
2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944>.

25 ³³⁴ Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8,
2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944>.

26 ³³⁵ Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8,
2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944>.

27 ³³⁶ Tawnell D. Hobbs, *‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-*
28 *Disorder Videos*, Wall St. J. (Dec. 17, 2021), <https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848>.

1 426. Indeed, TikTok’s algorithm recommended over 32,000 weight-loss videos over a
2 two-month period, “many promoting fasting, offering tips for quickly burning belly fat and pushing
3 weight-loss detox programs and participation in extreme weight-loss competitions.”³³⁷

4 427. Alyssa Moukheiber, a treatment center dietitian, explained that TikTok’s algorithm
5 can push children into unhealthy behaviors or trigger a relapse of disordered eating.³³⁸ Indeed,
6 several teenage girls interviewed by the Wall Street Journal reported developing eating disorders
7 or relapsing after being influenced by extreme diet videos TikTok promoted to them.³³⁹

8 428. Their experiences are not unique. Katie Bell, a co-founder of the Healthy Teen
9 Project, explained that “the majority of her 17 teenage residential patients told her TikTok played
10 a role in their eating disorders.”³⁴⁰

11 429. Others, like Stephanie Zerwas, an Associate Professor of Psychiatry at the
12 University of North Carolina at Chapel Hill, could not even recount how many of her young patients
13 told her that “I’ve started falling down this rabbit hole, or I got really into this or that influencer on
14 TikTok, and then it started to feel like eating-disorder behavior was normal, that everybody was
15 doing that.”³⁴¹

16 430. In December 2022, the Center for Countering Digital Hate (“CCDH”) conducted a
17 similar study, creating TikTok accounts with a registered age of 13 in the United States, United
18 Kingdom, Canada, and Australia.³⁴² For the first 30 minutes on the app, the accounts paused briefly

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20 ³³⁷ Tawnell D. Hobbs, *‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-*
21 *Disorder Videos*, Wall St. J. (Dec. 17, 2021), [https://www.wsj.com/articles/how-tiktok-inundates-](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848)
22 [teens-with-eating-disorder-videos-11639754848](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848).

23 ³³⁸ Tawnell D. Hobbs, *‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-*
24 *Disorder Videos*, Wall St. J. (Dec. 17, 2021), [https://www.wsj.com/articles/how-tiktok-inundates-](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848)
25 [teens-with-eating-disorder-videos-11639754848](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848).

26 ³³⁹ Tawnell D. Hobbs, *‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-*
27 *Disorder Videos*, Wall St. J. (Dec. 17, 2021), [https://www.wsj.com/articles/how-tiktok-inundates-](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848)
28 [teens-with-eating-disorder-videos-11639754848](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848).

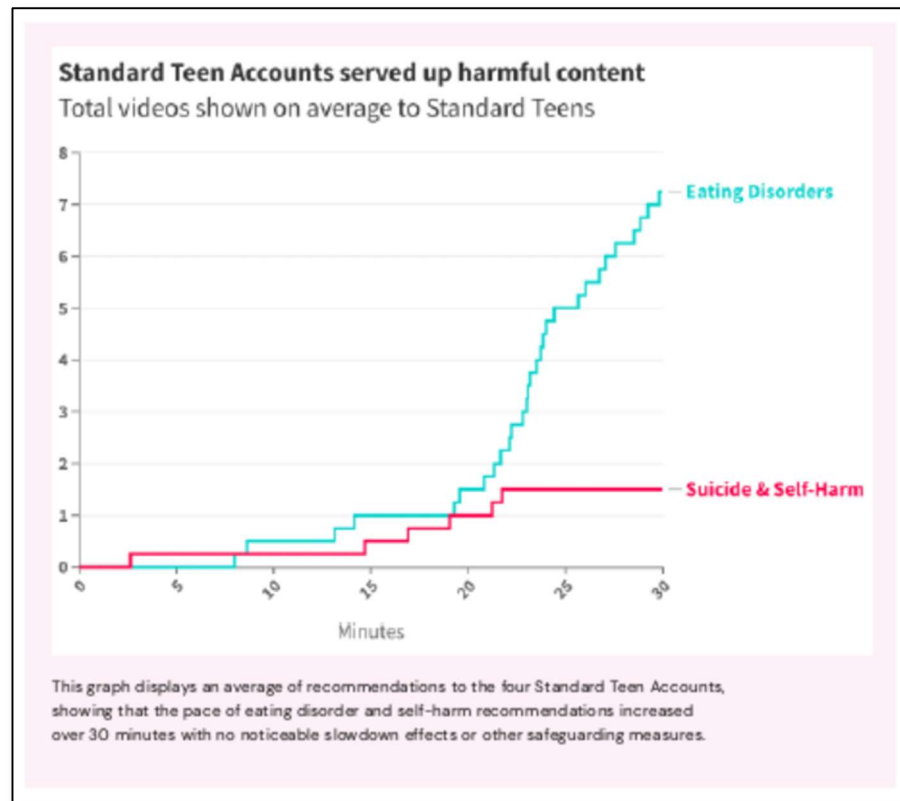
³⁴⁰ Tawnell D. Hobbs, *‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-*
Disorder Videos, Wall St. J. (Dec. 17, 2021), [https://www.wsj.com/articles/how-tiktok-inundates-](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848)
[teens-with-eating-disorder-videos-11639754848](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848).

³⁴¹ Tawnell D. Hobbs, *‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-*
Disorder Videos, Wall St. J. (Dec. 17, 2021), [https://www.wsj.com/articles/how-tiktok-inundates-](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848)
[teens-with-eating-disorder-videos-11639754848](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848).

³⁴² *Deadly by Design*, Center for Countering Digital Hate (Dec. 2022),
https://counterhate.com/wp-content/uploads/2022/12/CCDH-Deadly-by-Design_120922.pdf.

1 on videos about body image and mental health and liked them. “Where researchers identified a
2 recommended video matching one of the below categories, they viewed the video for 10 seconds
3 and liked it. For all other videos, researchers would immediately scroll the For You feed to view
4 the next video recommended by TikTok.”³⁴³ TikTok’s algorithm seized on this information and
5 within minutes began recommending content about eating disorders and self-harm.

6 431. The CCDH report further illustrated TikTok’s algorithms at work, noting that, for
7 an account that liked content about body image and mental health, the algorithm recommended
8 similar content every 39 seconds. As the 30 minutes went on, TikTok recommended more videos
9 related to eating disorders, suicide, and self-harm, as the graph below shows.



23 432. TikTok’s rabbit holes are particularly problematic for young people, who lack the
24 necessary impulse control to stop watching. The more the user engages by viewing or hesitating on
25 a particular piece of content, the more TikTok’s algorithms learn about the user. ByteDance uses
26 this feature to exploit the vulnerabilities of children and teenagers, and addict them to its product.

27 ³⁴³ Tawnell D. Hobbs, *The Corpse Bride Diet: How TikTok Inundates Teens With Eating-*
28 *Disorder Videos*, Wall St. J. (Dec. 17, 2021), <https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848>.

1 433. Indeed, ByteDance admits that its recommendation algorithm creates a “risk of
2 presenting an increasingly homogeneous stream of videos.”³⁴⁴ As the above-referenced studies and
3 experiments demonstrate, that homogeneous stream often includes harmful content, including posts
4 about depression, self-harm, drugs, and extreme diets.

5 434. ByteDance uses a series of interrelated design features that exploit known mental
6 processes to induce TikTok’s users to use the product more frequently, for more extended periods,
7 and with more intensity (i.e., providing more comments and likes). ByteDance knows or should
8 have known that children, whose brains are still developing, are particularly susceptible to these
9 addictive features.

10 435. TikTok is defective in part because ByteDance designed the app so users cannot
11 disable the auto-play function on the FYP.³⁴⁵ As noted above, when a user opens the TikTok app
12 or visits the TikTok website, the product immediately begins playing a video on the user’s FYP.
13 The user may request more videos with a simple upward swipe, and the product will deliver a
14 seemingly endless content stream. If a user does not proceed from a video, it continues to play on
15 an endless loop. The ability to scroll continuously induces a “flow-state” and distorts users’ sense
16 of time.

17 436. The TikTok app interface is designed with only a limited number of buttons and
18 sections of the app for users to navigate, such that the design does not impede “flow.”

19 437. The FYP also leverages principles of IVR to encourage compulsive usage, in the
20 same fashion as Instagram Reels. A user swipes to receive the next video, and each swipe offers
21 the prospect (but not the certainty) of dopamine-releasing stimuli.

22 438. The cumulative effect of these features is addictive, compulsive engagement. As
23 researchers at the Brown University School of Public Health explained, “the infinite scroll and
24 variable reward pattern of TikTok likely increase the addictive quality of the app as they may induce
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27 ³⁴⁴ *How TikTok recommends videos #ForYou*, TikTok (June 18, 2020),
<https://newsroom.tiktok.com/en-us/howtiktok-recommends-videos-for-you>.

28 ³⁴⁵ *2 Best Ways You Can Turn off TikTok Autoplay*, Globe Calls (Dec. 16, 2022),
<https://globecalls.com/2-best-ways-you-can-turn-off-tiktok-autoplay/>.

1 a flow-like state for users that is characterized by a high degree of focus and productivity at the task
2 at hand.”³⁴⁶

3 439. Dr. Julie Albright, a Professor at the University of Southern California, similarly
4 explained that TikTok is so popular because users will “just be in this pleasurable dopamine state,
5 carried away. It’s almost hypnotic, you’ll keep watching and watching.” Users “keep scrolling,”
6 according to Dr. Albright, “because sometimes you see something you like, and sometimes you
7 don’t. And that differentiation—very similar to a slot machine in Vegas—is key.”³⁴⁷

8 440. Aza Raskin, the engineer who designed infinite scroll, described the feature as being
9 “as if [social media companies are] taking behavioral cocaine and just sprinkling it all over your
10 interface, and that’s the thing that keeps you coming back and back and back.” Because the infinite
11 scroll does not “give your brain time to catch up with your impulses . . . you just keep scrolling.”³⁴⁸

12 441. To reinforce this addictive experience, ByteDance intentionally omits the concept
13 of time from their product, stripping information such as when a user uploaded a video from its
14 endless stream of content. In the FYP, there is no way to discern how long ago the video was posted,
15 or when the user who posted the video joined TikTok.

16 442. On at least some phones, TikTok is designed to cover the clock displayed at the top
17 of user’s iPhones, preventing them from keeping track of the time spent on TikTok.³⁴⁹

18 443. ByteDance has designed the app so that users can see, however, how many times a
19 video was liked, commented on, or shared. So, the only thing users can quantify within the app is
20 the approval or disapproval of others.

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23 ³⁴⁶ Sophia Petrillo, *What Makes TikTok So Addictive? An Analysis of the Mechanisms Underlying*
24 *the World’s Latest Social Media Craze*, Brown Undergraduate J. of Pub. Health (Dec. 13, 2021),
<https://sites.brown.edu/publichealthjournal/2021/12/13/tiktok/>.

25 ³⁴⁷ John Koetsier, *Digital Crack Cocaine: The Science Behind TikTok’s Success*, Forbes (Jan. 18,
2020), <https://www.forbes.com/sites/johnkoetsier/2020/01/18/digital-crack-cocaine-the-science-behind-tiktoks-success/?sh=765d1b4178be>.

26 ³⁴⁸ John Koetsier, *Digital Crack Cocaine: The Science Behind TikTok’s Success*, Forbes (Jan. 18,
27 2020), <https://www.forbes.com/sites/johnkoetsier/2020/01/18/digital-crack-cocaine-the-science-behind-tiktoks-success/?sh=765d1b4178be>.

28 ³⁴⁹ Louise Matsakis, *On TikTok, There is No Time*, Wired (October 3, 2019),
<https://www.wired.com/story/tiktok-time/>.

1 444. In June 2022, after receiving public criticism regarding its product’s effects on
2 people’s mental health, ByteDance introduced various tools to purportedly encourage users to take
3 a break from infinite scrolling, such as a “Take a Break” reminder and time-limit caps. ByteDance
4 could but does not activate these tools by default. Even for minors, once they have exceeded 100
5 minutes of usage a day, TikTok only “reminds” them that these “Take a Break” tools exist upon
6 opening the app, but does not automatically activate them by default.

7 445. In addition to the defective infinite scroll, ByteDance has designed TikTok so it has
8 other design features that exploit social psychological impulses to induce children to use TikTok
9 daily and for extended periods of time, adding to the product’s addictive nature.

10 446. Several TikTok features actively encourage users to generate ephemeral photos and
11 videos. This defect promotes compulsive use, because users risk missing the content posted by their
12 friends and others if they do not check TikTok at least daily.

13 447. A TikTok user can, for example, post expiring “Stories,” short videos that disappear
14 after 24 hours. These videos do not otherwise appear in a user’s feed. TikTok’s live stream feature
15 is similar.³⁵⁰

16 448. A relatively new feature, “TikTok Now,” pushes daily notifications to users to share
17 “authentic, real-time images or 10-second videos at the same time as your friends.”³⁵¹ ByteDance
18 designed this feature so that once a user gets the notification, the user has three minutes to post an
19 image or video. That user cannot view friends’ “TikTok Now” posts without sharing one of their
20 own, and posts submitted outside of the three-minute window are marked as “late.” TikTok
21 preserves a user’s history in a calendar view, adding to the pressure to visit the app daily and when
22 notified by TikTok to do so. ByteDance designed these defective features to increase
23 responsiveness to notifications and keep young users locked into the product, as they do not want
24 to miss out on this perceived social activity.

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27 ³⁵⁰ Hilary Anderson, *Social media apps are ‘deliberately addictive to users*, BBC (July 4, 2018),
<https://www.bbc.com/news/technology-44640959>.

28 ³⁵¹ *TikTok Now*, TikTok, <https://www.tiktok.com/creators/creator-portal/product-feature-updates/tiktok-now>.

1 449. Like “Snap Streaks,” “TikTok Now” does not enhance the communication function
2 of the product, but simply exploits young users’ susceptibility to persuasive design, teenage social
3 anxiety, and FOMO. ByteDance’s insidious design of “TikTok Now” also employs point scoring
4 and competition with others to drive frequent and continuous engagement by children, who
5 otherwise risk checking in late and alienating other peers participating in the exchange.

6 450. Like the other Defendants’ apps, ByteDance designed TikTok to leverage the
7 principle of IVR by encouraging users to like, share, or reshare videos that others have created or
8 posted. Receiving a “Like” or “Reshare” indicates that others approve of that user’s content and
9 satisfies their natural, developmentally predictable desire for acceptance. As discussed above,
10 “Likes” activate the reward region of the brain and release dopamine to create a positive feedback
11 loop.³⁵² Users return to TikTok again and again, hoping for yet another pleasurable experience.³⁵³

12 451. ByteDance also designed TikTok to use reciprocity to manipulate users into using
13 the app. One example is the “Duet” feature, which allows users to post a video side-by-side with a
14 video from another TikTok user. Users utilize “Duet” to react to the videos of TikTok content
15 creators. ByteDance intends the response to engender a reciprocal response from the creator of the
16 original video, inducing them to return to the app.

17 452. Another “core feature” of TikTok that ByteDance has pursued are “challenges,”
18 which are campaigns that compel users to create and post in TikTok certain types of videos, such
19 as performing a dance routine or a dangerous prank. By fostering competition and the social
20 rewards of posting a challenge video, ByteDance incentivizes users to engage with the product
21 continuously.

22 453. Harmful and dangerous interactions are a foreseeable consequence of TikTok’s
23 engagement-maximization design. For example, numerous minor users have injured themselves or

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25 ³⁵² Rasan Burhan & Jalal Moradzadeh, *Neurotransmitter Dopamine (DA) and its Role in the*
26 *Development of Social Media Addiction*, 11(7) J. Neurology & Neurophysiology 507 (2020),
<https://www.iomcworld.org/openaccess/neurotransmitter-dopamine-da-and-its-role-in-the-development-of-social-media-addiction.pdf>.

27 ³⁵³ Rasan Burhan & Jalal Moradzadeh, *Neurotransmitter Dopamine (DA) and its Role in the*
28 *Development of Social Media Addiction*, 11(7) J. Neurology & Neurophysiology 507 (2020),
<https://www.iomcworld.org/openaccess/neurotransmitter-dopamine-da-and-its-role-in-the-development-of-social-media-addiction.pdf>.

1 others participating in viral pranks to obtain rewards and increase the number of likes, views, and
2 followers.

3 454. One such viral prank, “the Benadryl challenge,” features a user filming themselves
4 taking large quantities of Benadryl to cause hallucinations or induce an altered mental state. Other
5 similar viral challenges include the “NyQuil Challenge,” in which young people are encouraged to
6 eat chicken cooked in NyQuil; the “Milk Crate Challenge,” where adolescents climb atop a stack
7 of milk crates and jump off; the “Penny Challenge,” where young users are encouraged to plug a
8 charger halfway into an outlet while holding a penny against the exposed prongs; and the “Blackout
9 Challenge” where youth are encouraged to make themselves faint by holding their breath and
10 constricting their chest muscles or restricting airflow with a ligature around their neck.

11 455. TikTok challenges have led to serious health complications, seizures, and death,
12 with at least 12 children in the United States dying from the TikTok Blackout Challenge alone.³⁵⁴

13 456. Nevertheless, ByteDance encourages businesses to create challenges as a form of
14 marketing, explaining that challenges are “geared towards building awareness and engagement,”
15 and “research shows that they can deliver strong results” and increased return on ad spending “at
16 every stage of the funnel.”³⁵⁵ While ByteDance extolls the revenue potential from challenges,
17 young users continue to face new and serious harms as the challenges’ stakes grow even more
18 extreme and dangerous.

19 **d. ByteDance’s defective features include impediments to**
20 **discontinuing use.**

21 457. Even if a user escapes the addictiveness of TikTok’s design and decides to delete
22 their account, ByteDance makes doing so a lengthy and complex undertaking. The deletion process
23

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25 ³⁵⁴ Quinn Nguyen, *Don’t let your kids try these 9 dangerous TikTok trends!*
26 <https://cyberpurify.com/knowledge/9-dangerous-tiktok-trends/>; Olivia Carville, *TikTok’s Viral Challenges Keep Luring Young Kids to Their Deaths*, *Bloomberg* (Nov. 30, 2022)
27 [https://www.bloomberg.com/news/features/2022-11-30/is-tiktok-responsible-if-kids-die-doing-](https://www.bloomberg.com/news/features/2022-11-30/is-tiktok-responsible-if-kids-die-doing-dangerous-viral-challenges)
28 [dangerous-viral-challenges.](https://www.bloomberg.com/news/features/2022-11-30/is-tiktok-responsible-if-kids-die-doing-dangerous-viral-challenges)

³⁵⁵ *Branded Hashtag Challenge: Harness the Power of Participation*, TikTok for Business (Mar. 16, 2022), [https://www.tiktok.com/business/en-US/blog/branded-hashtag-challenge-harness-the-](https://www.tiktok.com/business/en-US/blog/branded-hashtag-challenge-harness-the-power-of-participation)
power-of-participation.

1 is defectively designed to encourage users to retain their accounts, even if their stated reason for
2 deletion is that the product is endangering their safety or health.

3 458. When a user selects the “Deactivate or delete account” in the “Account” section of
4 the TikTok app, the user is presented an option: “Delete or deactivate?” Deactivating an account
5 will preserve the user’s data, but hide it from the product; deleting, on the other hand, will
6 permanently delete all data associated with the account.

7 459. However, ByteDance designed TikTok so that deletion is not immediate. The data
8 and account are preserved for 30 days, during which time the user can reactivate their account.

9 460. If a user selects the “Delete account permanently” option, the user is asked “Why
10 are you leaving TikTok?” The user must select from the following list: (1) I’m leaving temporarily;
11 (2) I’m on TikTok too much; (3) Safety or privacy concerns; (4) Too many irrelevant ads; (5)
12 Trouble getting started; (6) I have multiple accounts; or (7) Another reason.

13 461. If a user selects “I’m on TikTok too much,” ByteDance makes a last-ditch effort to
14 retain the user by reminding the user that a limit can be set on the user’s watch time on the product.
15 If a user selects “Safety or privacy concerns,” the user is provided a list of resources to “secure”
16 the account. If the user selects “Another reason,” a written explanation must be provided. The only
17 option that does not provide or require further information is “I have multiple accounts.” ByteDance
18 isn’t worried about users deleting merely one account if they already have multiple others.

19 462. Once a user selects a reason for deletion, the next screen prompts the user to
20 download their TikTok data.

21 463. Before the user continues the deletion, the product requires the user to check a box
22 at the bottom of the screen that says, “[b]y continuing, you reviewed your data request and wish to
23 continue deleting your account.” This contrasts with the process of a user “agreeing” to the Terms
24 of Service and Privacy Policy during the registration process, which does not require a separate
25 confirmation.

26 464. Once the user confirms a desire to continue with the deletion process, the product
27 takes the user to yet another screen, which yet again asks whether the user wants to “delete this
28 account?” The text also explains that the account will be deactivated for 30 days, during which the

1 user may reactivate the account, and after 30 days, the account and data associated with it will be
2 permanently deleted. It goes on to warn that if a user deletes the account, the user will no longer be
3 able to do many things in the app.

4 465. Once a user again confirms that they want to delete their account, TikTok requires
5 validation with a 6-digit code sent to the telephone number or email address associated with the
6 account. Only after the user receives and enters the code may they finally “delete” their account
7 (after waiting 30 days).

8 466. ByteDance’s account deletion process is inadequate for children attempting to
9 escape its addictive and harmful product. Requiring a child to go through multiple steps, and
10 offering alternatives, as well as a list of things they are giving up, is designed to convince them to
11 change their mind. Moreover, requiring the user to maintain a deactivated account for 30 days,
12 rather than deleting it on demand, increases the chance that an addicted user will relapse and return
13 to the app.

14 467. ByteDance’s intentionally cumbersome and defective deletion process prioritizes
15 the retention of young users, and ad revenue that they generate, over their well-being.

16 e. **ByteDance’s defective features inflict impossible image**
17 **standards and encourage negative appearance comparison.**

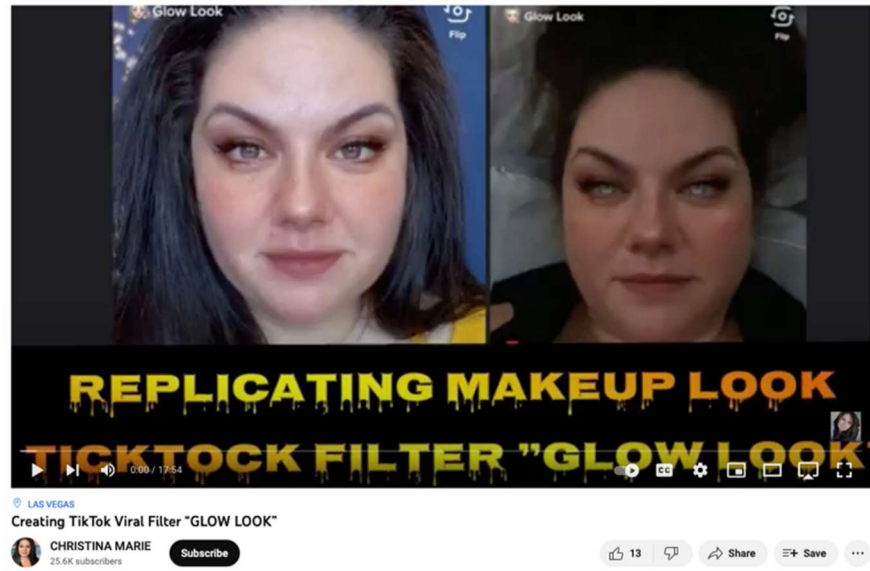
18 468. ByteDance designed TikTok with image-altering filters that harm users. These
19 filters allow children to artificially change their appearance, for example by lightening their skin
20 and eyes, giving them glowing tan skin, or giving them larger lips or fluttering eyelashes.

21 469. Young people often then compare the filtered images to their real-life appearance,
22 developing a negative self-image based on unrealistic, artificial images.³⁵⁶ Many young girls use
23 image-altering filters every day, harming their mental health. And those filters subconsciously
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27 ³⁵⁶ Anna Haines, *From ‘Instagram Face’ To ‘Snapchat Dysmorphia’: How Beauty Filters Are*
28 *Changing The Way We See Ourselves*, Forbes (Apr. 27, 2021 at 1:19 PM EDT),
<https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

1 make girls feel imperfect and ugly, “reduc[ing] their self-compassion and tolerance for their own
2 physical flaws.”³⁵⁷

3 470. So compelling is the desire to resemble more closely the filtered ideal that there are
4 online tutorials explaining how to recreate certain filters using makeup.



15 471. Children’s idealization of their filtered image is externally reinforced when the
16 filtered images receive more likes, comments, and other interaction. Young people also compare
17 these interaction “scores” to those of friends and celebrities who use filters, reinforcing the idea
18 that beauty depends on matching a digital ideal.

19 472. But filters, retouch, and other editing tools available on TikTok often alter specific
20 facial features, such as the shape of a person’s eyes and lips, in ways that would require medical
21 intervention to alter in real life. Children, particularly girls, are thus striving for a standard of beauty
22 that is functionally impossible to achieve, with every TikTok filter creating a test that they are
23 doomed to fail.

27 ³⁵⁷ Anna Haines, *From ‘Instagram Face’ To ‘Snapchat Dysmorphia’: How Beauty Filters Are*
28 *Changing The Way We See Ourselves*, Forbes (Apr. 27, 2021 at 1:19 PM EDT),
<https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

1 **4. ByteDance facilitates the spread of CSAM and child exploitation.**

2 473. ByteDance has designed various TikTok features that promote and dramatically
3 exacerbate sexual exploitation, the spread of CSAM, sextortion, and other socially maladaptive
4 behavior that harms children.

5 474. TikTok’s design features enable the spread of this illegal material, and it receives
6 value in the form of increased user activity for disseminating these materials on the product.

7 475. TikTok allows users to add a location to publicly shared videos of themselves.³⁵⁸
8 TikTok encourages the use of location services, “prompt[ing] [users] to turn on Location Services
9 when [users] browse the For You feed.”

10 476. By providing access to a child user’s present physical location, ByteDance
11 encourages predators to locate nearby children for purposes of sexual exploitation, sextortion, and
12 CSAM.

13 477. ByteDance designed TikTok with a “Your Private Videos,” feature, where users can
14 create and store private videos that are only visible to the user, better known as “Post-in-Private”
15 accounts, where adult predators store, create, post, and share CSAM. Within days of following a
16 small number of “Post-in-Private” accounts, TikTok’s algorithm begins recommending dozens of
17 other “Post-in-Private” accounts to follow, making it easy for predators to view and share even
18 more CSAM.³⁵⁹

19 478. These accounts are nominally private, but users can share their usernames and
20 passwords with other users to access these private videos.³⁶⁰ While ByteDance’s user policy forbids
21 sharing passwords with other users, TikTok’s design means that it is nonetheless very easy to do.³⁶¹

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³⁵⁸ *Location Information on TikTok*, TikTok, <https://support.tiktok.com/en/account-and-privacy/account-privacy-settings/location-services-on-tiktok>.

25 ³⁵⁹ *Location Information on TikTok*, TikTok, <https://support.tiktok.com/en/account-and-privacy/account-privacy-settings/location-services-on-tiktok>.

26 ³⁶⁰ Gracelynn Wan, *These TikTok Accounts Are Hiding Child Sexual Abuse Material In Plain Sight*, Forbes (Nov. 14, 2022) <https://www.forbes.com/sites/alexandrarevine/2022/11/11/tiktok-private-csam-child-sexual-abuse-material/?sh=749d6cb63ad9>.

27 ³⁶¹ TikTok Terms of Service, <https://www.tiktok.com/legal/page/us/terms-of-service/en>.

1 479. ByteDance designed TikTok to offer two-factor authentication but does not require
2 users to enable it. In fact, when a user creates a new account, the default setting disables the two-
3 factor authentication.³⁶²

4 480. Furthermore, TikTok allows more than one device to be simultaneously logged into
5 a single account, allowing multiple predators to use one “Post-in-Private” account simultaneously.

6 481. ByteDance’s “Post-in-Private” accounts feature also facilitate the grooming of
7 children and adolescents by adult predators. Adult predators can store CSAM videos in “Your
8 Private Videos” and then show them to adolescent users as a grooming tool. Should adult predators
9 convince adolescent users to create CSAM of themselves in the “Post-in-Private” accounts, the
10 “Your Private Videos” feature makes it easy for the videos to be produced, uploaded, and stored.

11 482. Another defective feature of TikTok is its livestream product, “TikTok LIVE.”
12 Although ByteDance’s policy restricts access for anyone under eighteen to “TikTok LIVE,”
13 TikTok’s design, as discussed above, does not incorporate an age verification protocol, so it is easy
14 for underage users to access this feature.³⁶³

15 483. Within “TikTok LIVE” is another feature called “LIVE Gifts” for “viewers to react
16 and show their appreciation for [] LIVE content in real-time.”³⁶⁴ TikTok then awards “Diamonds”
17 to LIVE creators based on the popularity of their content. “One way for creators to collect
18 “Diamonds is to receive Gifts from viewers on [their] LIVE videos.” Creators awarded “Diamonds”
19 “may obtain a Reward Payment in money or in virtual items.”³⁶⁵

20 484. ByteDance’s design of the “LIVE Gifts” and “Diamonds” rewards greatly increases
21 the risk of adult predators targeting adolescent users for sexual exploitation, sextortion, and CSAM.
22 According to Leah Plunket, an assistant dean at Harvard Law School, “TikTok LIVE” is “the digital
23

24 ³⁶² *How your email and phone number are used on TikTok*, TikTok, [https://support.tiktok.com/en/account-and-privacy/personalized-ads-and-data/how-your-phone-](https://support.tiktok.com/en/account-and-privacy/personalized-ads-and-data/how-your-phone-number-is-used-on-tiktok)
25 [number-is-used-on-tiktok](https://support.tiktok.com/en/account-and-privacy/personalized-ads-and-data/how-your-phone-number-is-used-on-tiktok).

26 ³⁶³ *What is TikTok LIVE?*, TikTok, [https://support.tiktok.com/en/live-gifts-wallet/tiktok-](https://support.tiktok.com/en/live-gifts-wallet/tiktok-live/what-is-tiktok-live)
live/what-is-tiktok-live.

27 ³⁶⁴ *LIVE Gifts on TikTok*, TikTok, [https://support.tiktok.com/en/live-gifts-wallet/tiktok-live/live-](https://support.tiktok.com/en/live-gifts-wallet/tiktok-live/live-gifts-on-tiktok)
gifts-on-tiktok.

28 ³⁶⁵ *LIVE Gifts on TikTok*, TikTok, [https://support.tiktok.com/en/live-gifts-wallet/tiktok-live/live-](https://support.tiktok.com/en/live-gifts-wallet/tiktok-live/live-gifts-on-tiktok)
gifts-on-tiktok.

1 equivalent of going down the street to a strip club filled with 15-year-olds.”³⁶⁶ “Livestreams on
2 [TikTok] are a popular place for men to lurk and for young girls—enticed by money and gifts—to
3 perform sexually suggestive acts.”³⁶⁷

4 485. Another of TikTok’s defective features enables predators to communicate privately
5 with youth, with virtually no evidence of what was exchanged. The private messaging or “Direct
6 messaging” feature allows a user to send a direct private message to another user. Predators use
7 these messages to identify children willing to respond to a stranger’s message and then prey on the
8 child’s vulnerabilities.

9 486. Although Tiktok’s features enable predators, TikTok does not have any feature to
10 allow users to specifically report CSAM.³⁶⁸

11 487. Federal law mandates that ByteDance reports suspected CSAM to NCEMC under
12 18 U.S.C. § 2258A. To limit and avoid its reporting requirements under federal law, ByteDance
13 purposely designed its products—which it knows are used by children, including children under
14 13—not to incorporate modern CSAM detection technology. This technology would be free for
15 ByteDance to implement within its product design.

16 488. Furthermore, in violation of 18 U.S.C. § 2258A, ByteDance knowingly fails to
17 report massive amounts of material in violation of 18 U.S.C. § 2256 and 18 U.S.C. § 1466A.

18 489. ByteDance knowingly fails to take feasible, adequate, and readily available
19 measures to remove these contraband materials from its product in a timely fashion.

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24 ³⁶⁶ Alexandra Levine, *How TikTok Live Became a Strip Club Filled with 15 Year Olds*, Forbes
25 (Apr. 27, 2022), <https://www.forbes.com/sites/alexandralevine/2022/04/27/how-tiktok-live-became-a-strip-club-filled-with-15-year-olds/?sh=5d6cf08d62d7>.

26 ³⁶⁷ Alexandra S. Levine, *How TikTok LIVE Became ‘A Strip Club Filled with 15-Year Olds,’*
27 Forbes, <https://www.forbes.com/sites/alexandralevine/2022/04/27/how-tiktok-live-became-a-strip-club-filled-with-15-year-olds/?sh=64c0447362d7>.

28 ³⁶⁸ Canadian Centre for Child Protection, *Reviewing Child Sexual Abuse Material Reporting Functions on Popular Platforms*,
https://protectchildren.ca/pdfs/C3P_ReviewingCSAMMaterialReporting_en.pdf.

1 490. ByteDance made approximately 596 reports to NCMEC in 2019 and 22,692 reports
2 in 2020.³⁶⁹ However, ByteDance failed to report materials, violating the reporting requirements of
3 18 U.S.C. § 2258A in 2019.

4 491. Users have reported “Post-in-Private” CSAM videos to TikTok, and ByteDance
5 responded that no violations of its policy were found. One user searched for and contacted multiple
6 TikTok employees to sound the alarm that CSAM was being created and shared within TikTok’s
7 “Post-in-Private” accounts. This user did not receive a single response to her concerns.³⁷⁰

8 492. ByteDance nonetheless continues to make false representations that they will “take
9 immediate action to remove content, terminate accounts, and report cases to NCMEC and law
10 enforcement as appropriate.”³⁷¹

11 493. ByteDance gains revenue for every daily user on TikTok in North America. Each
12 user and their data are worth income, and ByteDance continues to benefit financially from predators
13 who commit sexual abuse against children and/or share CSAM using ByteDance’s product.

14 **5. ByteDance failed to adequately warn about the harms its product**
15 **causes or to provide instructions regarding safe use.**

16 494. Since TikTok’s inception, ByteDance has failed to adequately warn young users
17 about the physical and mental health risks its product poses. These risks include, but are not limited
18 to, product abuse and addiction, sexual exploitation from adult users, dissociative behavior, damage
19 to body image, social isolation, and a plethora of mental health disorders like body dysmorphia,
20 eating disorders, anxiety, depression, insomnia, ADD/ADHD exacerbation, suicidal ideation, self-
21 harm, suicide, and death.

22 495. ByteDance targets young users via advertising and marketing materials distributed
23 throughout traditional as well as digital media, including other social media products. ByteDance
24

25 ³⁶⁹ Community guidelines enforcement report, TikTok (2022),
26 <https://www.tiktok.com/transparency/en-us/community-guidelines-enforcement-2020-2/>.

27 ³⁷⁰ Gracelynn Wan, *These TikTok Accounts Are Hiding Child Sexual Abuse Material In Plain*
Sight, Forbes (Nov. 14, 2022), <https://www.forbes.com/sites/alexandralevine/2022/11/11/tiktok-private-csam-child-sexual-abuse-material/?sh=290dbfa63ad9>

28 ³⁷¹ *Protecting Against Exploitative Content*, TikTok, <https://newsroom.tiktok.com/en-us/protecting-against-exploitative-content>.

1 fails to provide adequate warnings in advertising and marketing campaigns to potential adolescent
2 consumers of the physical and mental harms associated with using TikTok.

3 496. ByteDance heavily advertises its product on YouTube and Snapchat, where it knows
4 it can effectively reach younger users. In 2019, for example, 80 percent of TikTok’s advertising
5 spending was on Snapchat.³⁷²

6 497. One TikTok ad compiles viral videos featuring people of all ages and sets the video
7 to the pandemic musical hit “Bored in the House,” by a popular TikTok creator. The 15-second
8 video, titled “It Starts On TikTok,” notes, “if it’s in culture, it starts on TikTok.”³⁷³ Zhu highlighted
9 the importance of the U.S. teen market to TikTok, admitting that in China, “teenage culture doesn’t
10 exist” because “teens are super busy in school studying for tests, so they don’t have the time and
11 luxury to play social media apps.” On the other hand, teen culture in the United States is “a golden
12 audience.”³⁷⁴

13 498. Other advertisements ByteDance places on YouTube promote TikTok as a family-
14 friendly product. For example, one commercial features parents impersonating their children,
15 explaining that “parents roasting their kids is the best kind of family bonding.”³⁷⁵ Another TikTok
16 ad asks content creators what TikTok means to them. Responses include “family,” “sharing special
17 moments with my daughter,” and a featured appearance by well-known TikTok creator Addison
18 Rae, who says TikTok represents “family and fun.”³⁷⁶

19 499. ByteDance released another TikTok ad, part of the “It Starts on TikTok” ad
20 campaign, and scheduled it to release on the linear TV, digital media, digital out-of-home, radio
21
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23 ³⁷² *TikTok – Snapchat’s Biggest Advertiser – What’s the Strategy*, Media Radar (Feb. 24, 2020),
24 <https://mediaradar.com/blog/tiktok-snapchat-advertising-strategy/>.

25 ³⁷³ *TikTok, It Starts on TikTok: Bored in the House*, YouTube (Sept. 9, 2020),
26 <https://www.youtube.com/watch?v=DWZCgkmcIjE>.

27 ³⁷⁴ Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*, N.Y.
28 Times (Aug. 9, 2016), <https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html>.

³⁷⁵ *Family Impressions, Compilation*, TikTok’s Official YouTube Page,
<https://www.youtube.com/watch?v=6EYzm25gW-s>.

³⁷⁶ *TikTok Creators Share Their Thoughts About TikTok*, TikTok’s Official YouTube Page
<https://www.youtube.com/watch?v=KAvEGBv7HVM>.

1 and TikTok's own social channels.³⁷⁷ The tagline for the campaign was "[l]oving all of you and the
2 things you do. Celebrating you" and featured a series of viral clips of various cheerful scenes
3 depicting people gathered with friends and family of ages.

4 500. ByteDance is also one of the biggest advertisers on Snapchat. In 2019, ByteDance
5 accounted for 4.4% of Snapchat's advertising revenue.³⁷⁸ ByteDance knows that advertising on
6 Snapchat is an effective way to reach a young audience. Snap claims that its Snapchat product
7 reaches 90% of people aged 13-24 years old, and 75% of 13-34 year olds in the United States.

8 501. Despite its funny, cheerful ads featuring smiling families and funny images, TikTok,
9 as designed, presents serious risks to young users on the platform, through its distinctive and
10 manipulative product features, including a lack of adequate age and identity verification tools, as
11 well as inadequate parental controls.

12 502. ByteDance fails to adequately warn young users of these risks beginning with the
13 first stages of the product registration process. At account setup, TikTok contains no warning labels,
14 banners, or conspicuous messaging to adequately inform adolescent users of product risks, potential
15 dangers, and physical and mental harm associated with usage of the product. Instead, ByteDance
16 allows underage users to easily create an account (or multiple accounts) and fully access the
17 product.

18 503. ByteDance's lack of appropriate warnings continues once a child has TikTok.
19 ByteDance does not suitably inform child users that their data will be tracked, used to help build a
20 unique algorithmic profile, and potentially sold to TikTok's advertising clients.

21 504. Alarmingly, ByteDance also does not adequately warn young users before
22 facilitating adult connections and interactions that adult predators use its product.

23 505. ByteDance's failure to adequately warn young users about the risks of the product
24 continues even if they display signs of addiction or habitual and compulsive use. Besides the

25 ³⁷⁷ Todd Spangler, *TikTok Launches Biggest-Ever Ad Campaign as Its Fate Remains Cloudy*,
26 Variety (Aug. 10, 2020), <https://variety.com/2020/digital/news/tiktok-advertising-brand-campaign-sale-bytedance-1234738607/>.

27 ³⁷⁸ Robert Williams, *TikTok is the biggest advertiser on Snapchat, study says*, MarketingDive
28 (March 16, 2020), <https://www.marketingdive.com/news/tiktok-is-the-biggest-advertiser-on-snapchat-study-says/574164/>.

1 disabled by default “Take a Break” reminder, ByteDance does not warn users when their screen
2 time reaches harmful levels or when young users are accessing the product on a habitual basis.

3 506. Not only does ByteDance fail to adequately warn users about the risks associated
4 with TikTok, but it also does not provide sufficient instructions on how children can safely use the
5 product. A reasonable and responsible company would instruct children on best practices and safety
6 protocols when using a product known to contain danger and health risks.

7 507. ByteDance, however, fails to adequately warn users that:

- 8 a. sexual predators use its product to produce and distribute CSAM;
- 9 b. adult predators targeting children for sexual exploitation, sextortion, and
10 CSAM are prevalent on ByteDance’s product;
- 11 c. usage of its product can increase the risk of children being targeted and
12 sexually exploited by adult predators;
- 13 d. usage of its product can increase risky and uninhibited behavior in children,
14 making them easier targets to adult predators for sexual exploitation,
15 sextortion, and CSAM; and,
- 16 e. end-to-end encryption and/or the ephemeral nature of ByteDance’s direct
17 messaging product prevents the reporting of CSAM.

18 508. ByteDance failed to adequately warn parents about all of the foregoing dangers and
19 harms.

20 **F. GOOGLE MARKETS AND DESIGNS YOUTUBE TO ADDICT YOUNG**
21 **USERS, SUBSTANTIALLY CONTRIBUTING TO THE MENTAL**
22 **HEALTH CRISIS**

23 509. Eric Schmidt, the former CEO of Google and more recently, Alphabet, YouTube’s
24 corporate parent, recently acknowledged the powerful, and purposeful, addictive effect of social
25 media. Social media products are about “maximizing revenue,” Mr. Schmidt said, and the best way
26 to maximize revenue is to “maximize engagement.” As Mr. Schmidt continued, in pursuit of their
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28

1 goal of maximizing engagement to increase revenues, social media products “play into the
2 addiction capabilities of every human.”³⁷⁹

3 510. Google’s YouTube product is no exception. It includes specific, carefully calibrated
4 features that are known to exploit the mental processes of its users to keep them engaged for as
5 long, as frequently, and as intensely as possible. Google knows that children and teenagers who
6 flock in droves to its YouTube product are particularly susceptible to these features. The impact of
7 YouTube’s addictive power on American youth has been devastating.

8 **1. Background and overview of YouTube.**

9 511. YouTube is a social media product that allows users to post and consume countless
10 hours of video content about virtually any topic imaginable. YouTube is available without any age
11 verification feature or adequate parental controls, and comes pre-installed in many Smart-TVs,
12 mobile devices, various digital media players like Roku, and video game consoles like PlayStation,
13 Wii, X-box and Nintendo.

14 512. YouTube allows users to search for specific video content. It also employs a
15 powerful algorithm that exploits detailed user information to target each individual user with hours
16 upon hours of videos recommended by YouTube.

17 513. A group of design experts and computer scientists created YouTube and launched
18 the product for public use in December 2005.

19 514. Technology behemoth Google quickly recognized YouTube’s huge profit potential.
20 In 2006, just a year after YouTube’s launch, Google acquired YouTube for more than \$1.65 billion
21 in Google stock. At the time, Google’s acquisition of YouTube was one of the largest-ever tech
22 acquisitions.

23 515. YouTube primarily generates revenue by selling advertising. The more people who
24 use YouTube and spend time on the site, the more ads YouTube can sell.³⁸⁰ The ads are then
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26 ³⁷⁹ Issie Lapowsky, *Eric Schmidt: Social Media Companies ‘Maximize Outrage’ for Revenue*,
27 Protocol (Jan. 6, 2022), <https://www.protocol.com/bulletins/eric-schmidt-youtube-criticism>.

28 ³⁸⁰ Mark Bergen, *YouTube Executives Ignored Warnings, Letting Toxic Videos Run Rampant*,
Bloomberg (Apr. 2, 2019), <https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant>.

1 embedded or placed within the endless stream of videos recommended to the user by YouTube's
2 algorithm.

3 516. By 2012, YouTube users were watching close to four billion hours of video every
4 month. Yet, the average YouTube user spent just fifteen minutes daily engaged with the product.³⁸¹
5 Users "were coming to YouTube when they knew what they were coming to look for."³⁸² They
6 employed the product to identify and watch certain video content, and then they were done.

7 517. To drive greater revenue, "YouTube . . . set a company-wide objective to reach one
8 billion hours of viewing a day[.]"³⁸³

9 518. As Susan Wojcicki, YouTube's CEO explained, the goal of a "billion hours of daily
10 watch time gave our tech people a North Star."³⁸⁴

11 519. Google decided that "the best way to keep eyes on the site" was to introduce a
12 feature that would "[recommend] videos, [that were playing] or after one was finished."³⁸⁵

13 520. That new product feature uses a recommendation algorithm to identify and push
14 additional videos to users, which YouTube plays automatically, through a feature called "autoplay."
15 Autoplay begins the next video as soon as the previous videos ends, creating a constant stream of
16 content.

17 521. Google's design changes worked. Today, YouTube "has over 2 billion monthly
18 logged-in users."³⁸⁶ And that 2 billion figure does not capture all product usage because YouTube,
19 by design, allows users to consume videos without logging in or registering an account.

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21 ³⁸¹ John Seabrook, *Streaming Dreams: YouTube Turns Pro*, New Yorker (Jan. 16, 2012),
<https://www.newyorker.com/magazine/2012/01/16/streaming-dreams>.

22 ³⁸² Casey Newton, *How YouTube Perfected the Feed*, Verge (Aug. 30, 2017),
[https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-](https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-recommendation-personalized-feed)
23 [recommendation-personalized-feed](https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-recommendation-personalized-feed).

24 ³⁸³ Mark Bergen, *YouTube Executives Ignored Warnings, Letting Toxic Videos Run Rampant*,
Bloomberg (Apr. 2, 2019), [https://www.bloomberg.com/news/features/2019-04-02/youtube-](https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant)
25 [executives-ignored-warnings-letting-toxic-videos-run-rampant](https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant).

26 ³⁸⁴ Mark Bergen, *YouTube Executives Ignored Warnings, Letting Toxic Videos Run Rampant*,
Bloomberg (Apr. 2, 2019), [https://www.bloomberg.com/news/features/2019-04-02/youtube-](https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant)
27 [executives-ignored-warnings-letting-toxic-videos-run-rampant](https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant).

28 ³⁸⁵ Mark Bergen, *YouTube Executives Ignored Warnings, Letting Toxic Videos Run Rampant*,
Bloomberg (Apr. 2, 2019), [https://www.bloomberg.com/news/features/2019-04-02/youtube-](https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant)
[executives-ignored-warnings-letting-toxic-videos-run-rampant](https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant).

³⁸⁶ *YouTube for Press*, YouTube, <https://blog.youtube/press/>.

1 2. **Google intentionally encourages youth to use YouTube and then**
2 **leverages that use to increase revenue.**

3 522. Google knows that children and teenagers use YouTube in greater proportions than
4 older demographics. YouTube now ranks as the world’s most popular social media product for
5 minors. According to one recent report, more than 95% of children ages 13-17 have used
6 YouTube.³⁸⁷ Nearly 20% of U.S. teens use YouTube almost constantly.³⁸⁸ Among U.S. teenagers
7 who regularly use social media, 32% “wouldn’t want to live without” YouTube.³⁸⁹

8 523. Rather than ensuring minors are not inappropriately or excessively using YouTube,
9 Google has sought to dominate their attention.

10 524. YouTube’s age controls are defective (or non-existent, since registration is not
11 required). In addition, Google has developed and marketed a version of YouTube, YouTube Kids,
12 explicitly targeted at children under 13. Google developed this product to encourage early—and
13 therefore lasting—adoption of YouTube by children.

14 525. Google knows that a robust and committed base of young users is key to maximizing
15 advertising revenue. Indeed, it has aggressively touted its hold on child users to advertisers.

16 526. In 2014, for example, Google pitched its YouTube product to Hasbro, a popular toy
17 manufacturer, and specifically boasted of the product’s immense popularity among children, noting
18 that it was “unanimously voted as the favorite website of kids 2-12” and that “93% of tweens” use
19 the product.³⁹⁰

22 ³⁸⁷ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
23 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022>.

24 ³⁸⁸ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
25 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022>.

26 ³⁸⁹ Victoria Rideout et al., *Common Sense Census: Media Use by Tweens and Teens, 2021* at 31,
27 Common Sense Media (2022),
28 https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

³⁹⁰ Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief, *FTC v. Google LLC* et al., No. 1-19-cv-02642-BAH, at 6 (D.D.C. Sept. 4, 2019) Dkt. #1-1.
https://www.ftc.gov/system/files/documents/cases/youtube_complaint_exhibits.pdf.

1 527. In 2015, Google gave a similar presentation to toy manufacturer Mattel, the maker
2 of Barbie and other popular kids' toys, highlighting children's widespread use of YouTube to
3 persuade Mattel to display digital ads on the site.³⁹¹

4 528. The FTC has aptly summarized Google's pitch to advertisers concerning the value
5 of its youth user base.³⁹² For example, Google boasted that YouTube "is today's leader in reaching
6 children age 6-11;" "the new 'Saturday Morning Cartoons';" "unanimously voted as the favorite
7 website of kids 2-12;" "the #1 website regularly visited by kids;" and used by "93% of tweens."³⁹³

8 529. Many of YouTube's most-viewed videos are kid-focused, and the most subscribed
9 and highest paid YouTubers are children. With over 12 billion views, "Baby Shark Dance," a video
10 aimed at toddlers, is the most viewed video in the history of YouTube— and it and five other child-
11 focused videos make up the top ten YouTube videos of all time.³⁹⁴ Child creators also dominate
12 top-earner lists year after year. Ryan Kaji of Ryan's World (f/k/a Ryan ToysReview), a channel
13 featuring now 12-year-old Ryan Kaji unboxing children's toys, has been among YouTube's Top
14 10 most-subscribed channels in the United States since 2016.³⁹⁵ Ryan started Ryan's World in 2015
15 when he was only 3. By 2017, his videos had over 8 billion views, and by 2018, he was the highest-
16 earning YouTuber in the world.³⁹⁶

17 ³⁹¹ Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief, *FTC v.*
18 *Google LLC et al.*, No. 1-19-cv-02642-BAH, at 3 (D.D.C. Sept. 4, 2019) Dkt. #1-1.
https://www.ftc.gov/system/files/documents/cases/youtube_complaint_exhibits.pdf.

19 ³⁹² *Google and YouTube Will Pay Record \$170 Million for Alleged Violations of Children's*
20 *Privacy Law*, FTC (Sept. 4, 2019), [https://www.ftc.gov/news-events/news/press-](https://www.ftc.gov/news-events/news/press-releases/2019/09/google-youtube-will-pay-record-170-million-alleged-violations-childrens-privacy-law)
21 [releases/2019/09/google-youtube-will-pay-record-170-million-alleged-violations-childrens-](https://www.ftc.gov/news-events/news/press-releases/2019/09/google-youtube-will-pay-record-170-million-alleged-violations-childrens-privacy-law)
privacy-law. ("YouTube touted its popularity with children to prospective corporate clients", said
FTC Chairman Joe Simons.)

22 ³⁹³ Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief, *FTC v.*
23 *Google LLC et al.*, No. 1-19-cv-02642-BAH, at 3, 12, and 6-7 (D.D.C. Sept. 4, 2019) Dkt. #1-1.
https://www.ftc.gov/system/files/documents/cases/youtube_complaint_exhibits.pdf.

24 ³⁹⁴ Most Viewed Videos of All Time • (Over 700M views) - YouTube.
https://www.youtube.com/playlist?list=PLirAqAtl_h2r5g8xGajEwdXd3x1sZh8hC

25 ³⁹⁵ Madeline Berg, *The Highest-Paid YouTube Stars of 2019: The Kids Are Killing It*, Forbes
26 (Dec. 18, 2019), [https://www.forbes.com/sites/maddieberg/2019/12/18/the-highest-paid-youtube-](https://www.forbes.com/sites/maddieberg/2019/12/18/the-highest-paid-youtube-stars-of-2019-the-kids-are-killing-it/?sh=4c3df9a438cd)
stars-of-2019-the-kids-are-killing-it/?sh=4c3df9a438cd; Madeline Berg, *The Highest-Paid*
27 *YouTube Stars 2017: Gamer DanTDM Takes The Crown With \$16.5 Million*, Forbes (Dec. 7,
2017), [https://www.forbes.com/sites/maddieberg/2017/12/07/the-highest-paid-youtube-stars-](https://www.forbes.com/sites/maddieberg/2017/12/07/the-highest-paid-youtube-stars-2017-gamer-dantdm-takes-the-crown-with-16-5-million/?sh=72de79413979)
2017-gamer-dantdm-takes-the-crown-with-16-5-million/?sh=72de79413979

28 ³⁹⁶ *Gamer DanTDM Takes The Crown With \$16.5 Million*, Forbes (Dec. 7, 2017),
<https://www.forbes.com/sites/maddieberg/2017/12/07/the-highest-paid-youtube-stars-2017->

1 530. As with other defendants, once Google lures children in, it then mines them (and all
2 other users) for a breathtaking amount of data. Google’s current privacy policy, which includes the
3 YouTube product’s data collection, reveals how sweeping this data collection is. It states that
4 Google tracks:

- 5 a. “information about the apps, browsers, and devices you use
6 to access Google services . . . include[ing] unique
7 identifiers, browser type and settings, device type and
8 settings, operating system, mobile network information
9 including carrier name and phone number, and application
10 version number. We also collect information about the
11 interaction of your apps, browsers, and devices with our
12 services, including IP address, crash reports, system activity,
13 and the date, time, and referrer URL of your request.”
- 14 b. “your activity in our services . . . includ[ing] terms you
15 search for[;] videos you watch[;] views and interactions
16 with content and ads[;] voice and audio information[;]
17 purchase activity[;] people with whom you communicate or
18 share content[;] activity on third-party sites and apps that
19 use our services[;] and Chrome browsing history you’ve
20 synced with your Google Account.”
- 21 c. “Your location information [including] GPS and other
22 sensor data from your device[;] IP address[;] activity on
23 Google services, such as your searches and places you label
24 like home or work[;] [and] information about things near
25 your device, such as Wi-Fi access points, cell towers, and
26 Bluetooth-enabled devices;”³⁹⁷

27 531. Google’s privacy policy also indicates that, like other Defendants, it purchases data
28 about its users from data brokers, which it euphemistically refers to as “trusted partners” or
“marketing partners.”³⁹⁸

 532. As with other Defendants, YouTube’s collection and analysis of user data allows it
to assemble virtual dossiers on its users, covering hundreds if not thousands of user-specific data
segments. This, in turn, allows advertisers to micro-target marketing and advertising dollars to very
specific categories of users, who can be segregated into pools or lists using YouTube’s data

gamer-dantdm-takes-the-crown-with-16-5-million/?sh=72de79413979; Natalie Robehmed &
Madeline Berg, *Highest-Paid YouTube Stars 2018: Markiplier, Jake Paul, PewDiePie And More*,
Forbes (Dec. 3, 2018), <https://www.forbes.com/sites/natalierobehmed/2018/12/03/highest-paid-youtube-stars-2018-markiplier-jake-paul-pewdiepie-and-more/?sh=7d909c3f909a>.

³⁹⁷ Information Google Collects. <https://policies.google.com/privacy?hl=en#infocollect>.

³⁹⁸ Information Google Collects. <https://policies.google.com/privacy?hl=en#infocollect>.

1 segments. Advertisers purchase ad real estate space on users' feeds, which allow them to place the
2 right ads in front of these micro-targeted segments of users--including children, both in the main
3 YouTube frame and in the YouTube Kids product. Only a fraction of these data segments come
4 from content knowingly designated by users for publication or explicitly provided by users in their
5 account profiles. Instead, many of these data segments are collected by YouTube through
6 surveillance of each user's activity while using the product and even when logged off the product.³⁹⁹

7 533. As with Meta, Google's data policy does not inform users that the more time
8 individuals spend using YouTube, the more ads Google can deliver and the more money it can
9 make, or that the more time users spend on YouTube, the more YouTube learns about them, and
10 the more it can sell to advertisers the ability to micro-target highly personalized ads.

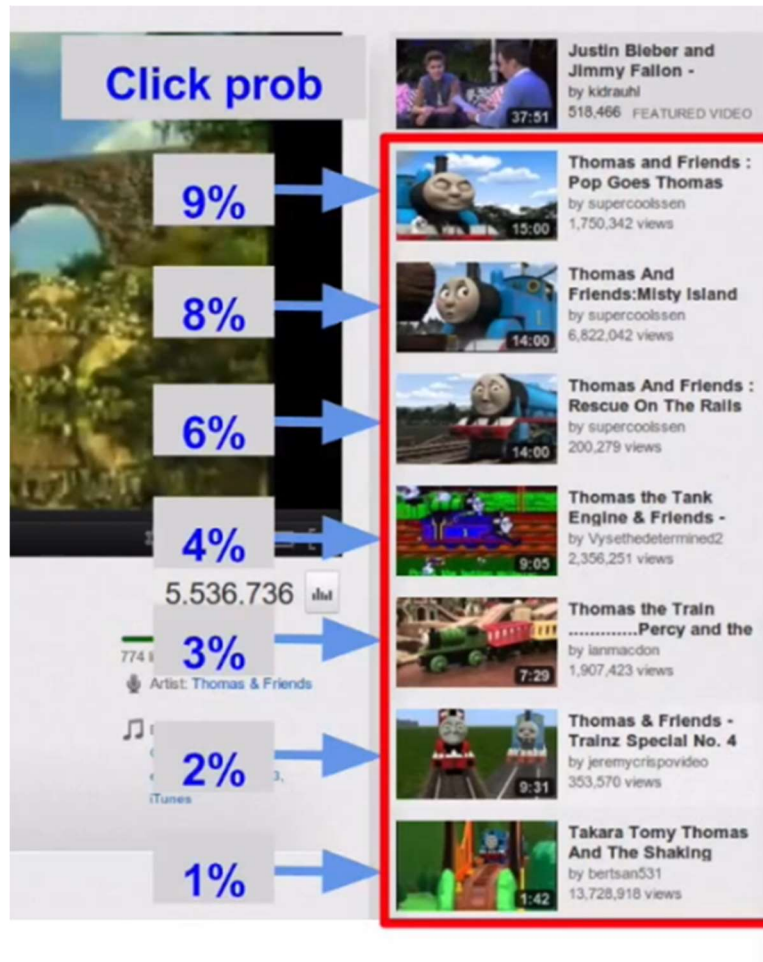
11 534. Google's secret virtual dossiers on its users, including child users, fuel its
12 algorithms. The company relies on this data—including data plainly reflecting use by children—to
13 train its algorithms. A Google engineer explained in a 2014 presentation:

14 What do I mean by a training example? It's a single-user
15 experience. On YouTube, perhaps it's that one [Thomas the Tank
16 Engine] webpage my son saw six months ago, along with all the
17 recommendations that we showed him. We also record the outcome
to know whether the recommendations we made are good or
whether they're bad. That's a single training exercise. On a large
property, you can easily get into hundreds of billions of these.⁴⁰⁰

18 The engineer illustrated this with a slide, excerpted below, presenting how algorithmic analysis
19 both structured the format of recommendations of Thomas the Tank Engine YouTube videos and
20 provided information to inform algorithmic training through user engagement:

26 ³⁹⁹ About Targeting for Video Campaigns, Google,
27 <https://support.google.com/youtube/answer/2454017?hl=en>.

28 ⁴⁰⁰ Alex Woodie, *Inside Sibyl, Google's Massively Parallel Machine Learning Platform*,
Datanami (Jul. 17, 2014) <https://www.datanami.com/2014/07/17/inside-sibyl-googles-massively-parallel-machine-learning-platform/>.



535. Through these and other efforts, YouTube has delivered massive amounts of advertising revenue to Google. In 2021 alone, YouTube generated about \$29 billion in revenue selling ads on its site.⁴⁰¹

3. Google intentionally designed product features to addict children and adolescents.

536. Google devised and continues to employ interrelated product features to increase usage and maximize engagement by teenagers and children. Simply put, YouTube's product features are engineered to induce excessive use and to addict adolescents and children to the product.

⁴⁰¹ Andrew Hutchinson, *YouTube Generated \$28.8 Billion in Ad Revenue in 2021*, Social Media Today (Feb. 2, 2021), <https://www.socialmediatoday.com/news/youtube-generated-288-billion-in-ad-revenue-in-2021-fueling-the-creator/618208/>; Jennifer Elias, *YouTube Is a Media Juggernaut That Could Soon Equal Netflix in Revenue*, CNBC (Apr. 27, 2021), <https://www.cnbc.com/2021/04/27/youtube-could-soon-equal-netflix-in-revenue.html>.

1 a. Google’s age-verification measures and parental controls are
2 defective.

3 537. Google’s strategy to entrench minor users begins with access. The company
4 purports to impose a minimum age requirement and claims to verify the age of its users. But those
5 features are defective, as they do little to prevent children and teenagers from using the product.

6 538. Anyone with access to the Internet, regardless of age, can use YouTube and access
7 every video available through the product without registering an account or verifying their age.
8 YouTube does not even ask for age information before allowing users to consume YouTube videos.

9 539. A user needs an account to post content or like (or comment) on videos. But to get
10 one, a user needs only enter a valid email address and a birthday. Google does nothing to verify the
11 birthday entered by users in the U.S.—and the product freely permits users to change their birthdays
12 in their account settings after creating an account.

13 540. YouTube’s defective age verification feature means that Google fails to protect
14 children from other product features discussed below that Google knows to be harmful to kids.

15 541. For example, for users 13-17, Google claims to disable YouTube’s autoplay feature.
16 However, that measure is virtually meaningless because children can use YouTube without logging
17 into any account or by logging in but misreporting their age.

18 542. Even if children use YouTube Kids, that product contains many of the same defects
19 YouTube does, including a harmful, manipulative algorithm, as alleged below.

20 543. Google cannot credibly claim that it is unaware of the fact and extent of youth usage
21 of YouTube. Google’s system can “identify children as being much younger than 13.”⁴⁰² According
22 to Tracking Exposed, YouTube can rapidly identify a user as a child.⁴⁰³

23
24
25
26
27 ⁴⁰² Tracking Exposed, Report: Non-Logged-In Children Using YouTube at 6 (Apr. 2022),
<https://tracking.exposed/pdf/youtube-non-logged-kids-03July2022.pdf>.

28 ⁴⁰³ Tracking Exposed, Report: Non-Logged-In Children Using YouTube at 15, 18 (Apr. 2022),
<https://tracking.exposed/pdf/youtube-non-logged-kids-03July2022.pdf>.

Flow

Watching a
"for kids" video

Video's nature legend



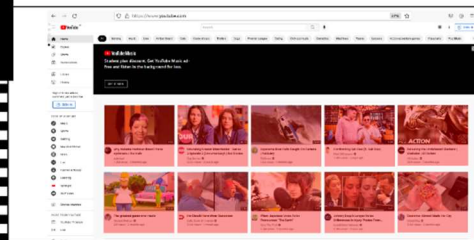
Not for kids



For kids

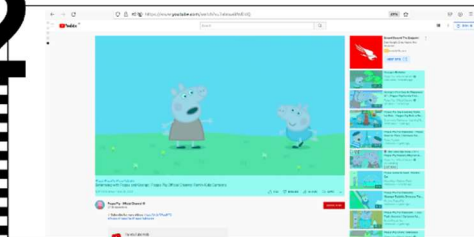
tracking.exposed

1



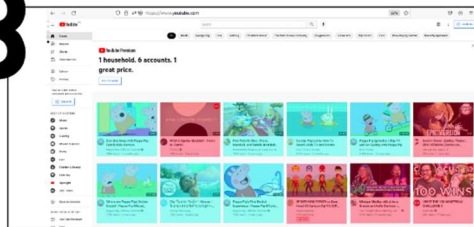
Homepage, first access

2



Watching a video for kids [Peppa Pig]

3



Homepage after watching one video

544. Google engineers have publicly admitted YouTube's algorithm tracks user age. As Google engineers outlined in a 2016 paper on YouTube's recommendation system, "[d]emographic features are important for providing priors so that the recommendations behave reasonably for new users. The user's geographic region and device are embedded and concatenated. Simple binary and continuous features such as the user's gender, logged-in state and age are input directly into the network as real values normalized to [0; 1]."⁴⁰⁴

⁴⁰⁴ Paul Covington et al., *Deep Neural Networks for YouTube Recommendations*, Google (2016), <https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf>.

1 545. The Tracking Exposed Report indicated that there was “strong evidence” that
2 Google’s systems continue to refine and develop a more precise estimate for under 18 users, but
3 the product does not “redirect them to YouTube Kids.”⁴⁰⁵

4 **b. YouTube is defectively designed to inundate users with features**
5 **that use intermittent variable rewards and reciprocity.**

6 546. Google uses a series of interrelated design features that exploit known mental
7 processes to induce YouTube’s users to use the product more frequently, for more extended periods,
8 and with more intensity (i.e., providing more comments and likes). Google knows children and
9 adolescents, whose brains are still developing, are particularly susceptible to these addictive
10 features.

11 547. Google designed its product so that when children and teenagers use it, they are
12 inundated with interface design features specifically designed to dominate their attention and
13 encourage excessive use. Every aspect of how YouTube presents the format of a given page with a
14 video is structured to ensure unimpeded viewing of the videos, alongside download, like, and share
15 buttons, plus recommendations for more videos to watch. The organization of these features is
16 carefully calibrated to adjust to the space constraints of a user’s device, such that minimal effort is
17 needed to watch a video unimpeded. YouTube even has an ambient mode that uses dynamic color
18 sampling so that the YouTube product adapts to the video being watched and the user is not
19 distracted by the video’s borders.⁴⁰⁶

20 548. Like the other Defendants, Google has designed YouTube with features that exploit
21 neuropsychology to maximize the time users (including children) spend using the product.

22 549. IVR features, such as notifications and likes, compel YouTube content creators and
23 consumers, particularly children, to use the product habitually and excessively. For example, in
24 order to create and upload content to YouTube, a user under 13 may submit a fictitious birthdate in
25 order to gain access to posting privileges. Once the young user has a logged-in account, they are

26 _____
27 ⁴⁰⁵ Tracking Exposed, Report: Non-Logged-In Children Using YouTube at 6, 19 (Apr. 2022),
<https://tracking.exposed/pdf/youtube-non-logged-kids-03July2022.pdf>.

28 ⁴⁰⁶ YouTube rolling out black dark theme, ‘Ambient Mode,’ and other video player updates (Oct.
24, 2022). <https://9to5google.com/2022/10/24/youtube-ambient-mode/>.

1 capable of receiving notifications and likes. For example, the logged in user can subscribe to
2 various YouTube channels, which in turn will send them notifications from various channels they
3 follow. Similarly, young content creators who upload videos to YouTube are able to track the likes
4 received by the video. These features psychologically reward creators who upload videos to
5 YouTube. As explained above, receiving a “Like” shows others’ approval and activates the brain’s
6 reward region.⁴⁰⁷ Thus, users’ ability to like content encourages creators to use the product
7 compulsively, seeking additional pleasurable experiences.

8 550. Another YouTube defect is the design Google engineers deploy to induce “flow”
9 state among users, which as described above is dangerous to children because it induces excessive
10 use and poses a risk of addiction, compulsive use, and sleep deprivation.

11 551. YouTube uses two design features that induce flow state. The first is its panel of
12 recommended videos. YouTube recommends videos both on the home page and on each video page
13 in the “Up Next” panel.⁴⁰⁸ This panel pushes an endless stream of videos that YouTube’s algorithm
14 selects and “suggests” to keep users watching by teasing a pipeline of upcoming content.

15 552. The second feature is autoplay, which complements the Up Next panel and
16 seamlessly takes users through the list of upcoming videos without users having to affirmatively
17 click on or search for other videos. This constant video stream—comprised of videos recommended
18 by YouTube’s algorithm—is the primary way Google increases the time users spend using its
19 product. This endless video succession induces users to enter a flow state of consumption, which
20 is particularly dangerous for children.

21 553. In an April 2021 letter to YouTube CEO Susan Wojcicki, the House Committee on
22 Oversight and Reform criticized the autoplay feature:

23 This places the onus on the child to stop their viewing activity, rather
24 than providing a natural break or end point. Without that natural

26 ⁴⁰⁷ See, e.g., Lauren E. Sherman et al., *The Power of the Like in Adolescence: Effects of Peer*
27 *Influence on Neural and Behavioral Responses to Social Media*, 27(7) Psych. Sci. 1027–35 (July
2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5387999/>.

28 ⁴⁰⁸ Recommended Videos, YouTube, <https://www.youtube.com/howyoutubeworks/product-features/recommendations/>.

1 stopping point, children are likely to continue watching for long
2 periods of time.⁴⁰⁹

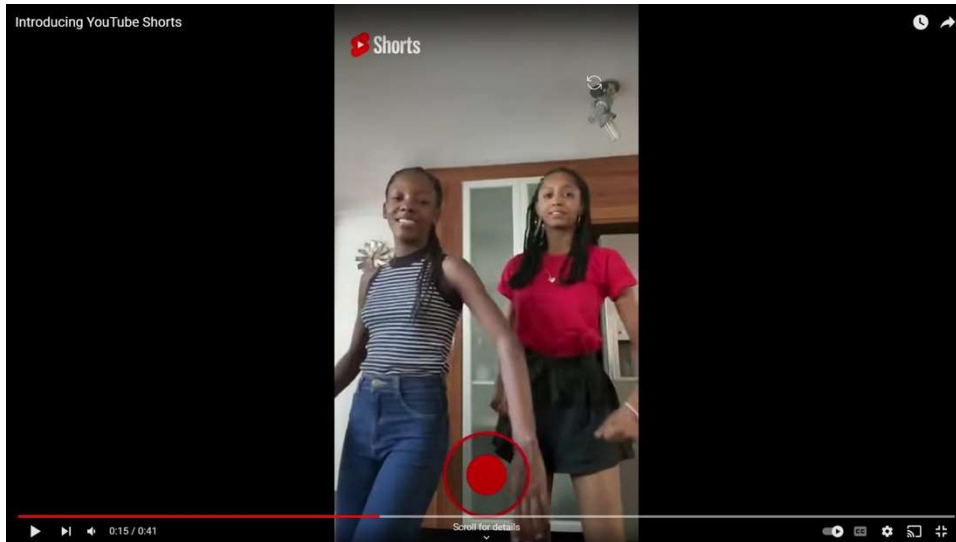
3 554. This defect is particularly acute for Google’s recently launched YouTube Shorts.
4 YouTube Shorts enables users to create short videos up to sixty seconds in length, in a full-screen
5 format popularized by TikTok and copied by Instagram Reels. As in Reels and TikTok, Shorts are
6 presented in an algorithmically generated feed; users can watch new videos by swiping up on their
7 smartphones. Instead of presenting videos chronologically, they are organized in a manner to drive
8 the most watch time, as dictated by the algorithm. Indeed, Google hired TikTok’s North American
9 head, Kevin Ferguson, and other TikTok engineers to develop YouTube Shorts.⁴¹⁰ And much like
10 those other products, the ability to scroll continuously through YouTube Shorts content induces a
11 “flow-state,” distorting users’ sense of time and facilitating extended use.

12 555. An important target audience for YouTube Shorts is children. For example,
13 YouTube Shorts features content, such as child “influencers,” that appeals to children. YouTube
14 Shorts also contains similar defects to other Defendants’ short form products, including the ability
15 to scroll continuously through YouTube Shorts, inducing a “flow-state” that distorts users’ sense
16 of time and facilitates extended use, and dangerous exploitation of “social comparison” techniques
17 by promoting misleadingly idealized portrayals from influencers and others who are rewarded for
18 posting popular material.

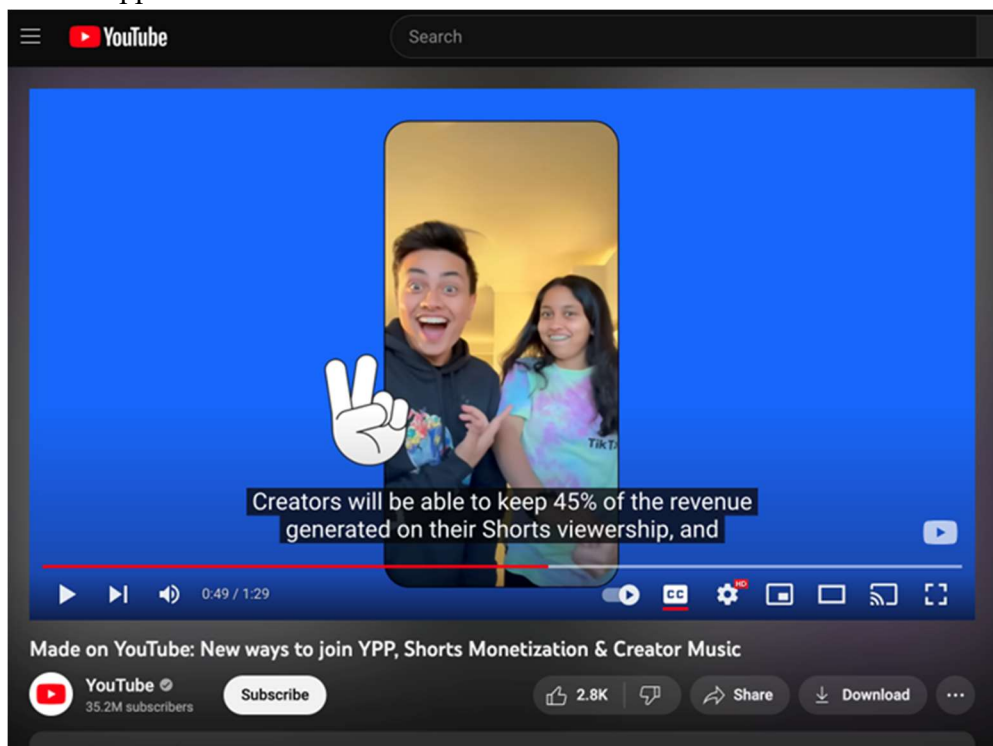
19 556. Almost immediately upon launch, Google began marketing YouTube Shorts to
20 children. For example, Google launched an advertisement featuring images of children and
21 teenagers (like in the screenshot below) engaging with the YouTube Shorts product.

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23
24
25 ⁴⁰⁹ Letter from Rep. Raja Krishnamoorthi, Chairman, Subcomm. on Economic and Consumer
26 Policy, to Susan Wojcicki, CEO, YouTube (Apr. 6, 2021),
27 <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2021-04-06.RK%20to%20Wojcicki-YouTube%20re%20YouTube%20Kids%20Content.pdf>,

28 ⁴¹⁰ Richard Nieva, *In the Age of TikTok, YouTube Shorts Is a Platform in Limbo*, Forbes (Dec. 20, 2022), <https://www.forbes.com/sites/richardnieva/2022/12/20/youtube-shorts-monetization-multiplatform/>.



557. Similarly, another advertisement for Shorts explains how creators on YouTube can keep revenue generated by their Shorts viewership, while an image of a video creator young enough to be in braces appears on screen.⁴¹¹



558. Shorts is one of YouTube's interrelated design features that exploit known mental processes to induce YouTube users to use the product more frequently, for more extended periods, and with more intensity (i.e., providing more comments and likes). Not surprisingly, given its

⁴¹¹ Made on YouTube: New ways to join YPP, Shorts Monetization & Creator Music. <https://www.youtube.com/watch?v=h6TrvCV3NdU>.

1 copycat origin, the defects in Shorts replicate the defects in TikTok and Instagram Reels, discussed
2 above. Google knows or should have known that children, whose brains are still developing, are
3 particularly susceptible to such addictive features.

4 559. YouTube has monetized users' susceptibility to IVR by allowing creators who
5 obtain more than a thousand subscribers with four-thousand valid public watch hours to qualify for
6 the YouTube Partner Program. Once a creator obtains this elite status, they are rewarded with
7 "Super Chat" and "Super Stickers"—special images or distinct messages that other users can
8 purchase and place on a creator's channel.⁴¹² Paid messages, including the amount donated, are
9 visible to all users. And the more a user pays for these promotions, the more prominent and longer
10 the image is displayed. Both features are intended to allow a user to show support for, or connect
11 with, their favorite YouTube creators. Similar to the "Likes" feature, this paid support activates the
12 reward center of the content creator's brain and releases dopamine while the creator is generating
13 revenue for YouTube.

14 **c. Google's algorithms are designed to maximize "watch time."**

15 560. Google engineers algorithms to recommend videos to YouTube users.

16 561. YouTube began building its' algorithms in 2008.⁴¹³ Its goal was to maximize how
17 long users spent watching YouTube videos.⁴¹⁴

18 562. These algorithms select videos that populate the YouTube homepage, rank results
19 in user searches, and push videos for viewers to watch through the "Up Next" feature.

20 563. YouTube designed its algorithms to manipulate users and induce them to use
21 YouTube excessively.

25 ⁴¹² YouTube Partner Program: How to Make Money on YouTube,
26 https://www.youtube.com/intl/en_us/creators/how-things-work/video-monetization/.

27 ⁴¹³ Cristos Goodrow, *On YouTube's Recommendation System*, YouTube (Sept. 15, 2021),
28 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

⁴¹⁴ Ben Popken, *As Algorithms Take Over, YouTube's Recommendations Highlight a Human Problem*, NBC (Apr. 19, 2018), <https://www.nbcnews.com/tech/social-media/algorithms-take-over-youtube-s-recommendations-highlight-human-problem-n867596>.

1 564. A former YouTube engineer explained that when he designed YouTube’s algorithm,
2 YouTube wanted to optimize for one key metric: “watch time.”⁴¹⁵ The engineer elaborated that
3 “[i]ncreasing users’ watch time is good for YouTube’s business model” because it increases
4 advertising revenue.⁴¹⁶

5 565. In 2012 the YouTube Head of Content Creator Communications, similarly
6 explained: “When we suggest videos, we focus on those that increase the amount of time that the
7 viewer will spend watching videos on YouTube, not only on the next view, but also successive
8 views thereafter.”⁴¹⁷

9 566. The current algorithm uses deep-learning neural networks, a type of software that
10 returns outputs based on data fed into it.⁴¹⁸ The VP of Engineering at YouTube, explained that it is
11 “constantly evolving, learning every day from over 80 billion pieces of information [Google] calls
12 signals.”⁴¹⁹ Those signals include “watch and search history . . . , channel subscriptions, clicks,
13 watchtime, survey responses, and sharing, likes, and dislikes.”⁴²⁰ They also include user
14 demographic information like age and gender.⁴²¹

15 567. Google’s algorithm also “uses data from your Google Account activity to influence
16 your recommendations.”⁴²²

18 ⁴¹⁵ William Turton, *How YouTube’s Algorithm Prioritizes Conspiracy Theories*, Vice (Mar. 5,
19 2018), <https://www.vice.com/en/article/d3w9ja/how-youtubes-algorithm-prioritizes-conspiracy-theories>.

20 ⁴¹⁶ Jesselyn Cook & Sebastian Murdock, *YouTube Is a Pedophile’s Paradise*, Huffington Post
(Mar. 20, 2020), https://www.huffpost.com/entry/youtube-pedophile-paradise_n_5e5d79d1c5b6732f50e6b4db.

21 ⁴¹⁷ Eric Meyerson, *YouTube Now: Why We Focus on Watch Time*, YouTube (Aug. 10, 2012),
22 <https://blog.youtube/news-and-events/youtube-now-why-we-focus-on-watch-time/>.

23 ⁴¹⁸ Alexis C. Madrigal, *How YouTube’s Algorithm Really Works*, Atlantic (Nov. 8, 2018),
<https://www.theatlantic.com/technology/archive/2018/11/how-youtubes-algorithm-really-works/575212/>; Paul Covington et al., *Deep Neural Networks for YouTube Recommendations*,
24 Google (2016), <https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf>.

25 ⁴¹⁹ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
<https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

26 ⁴²⁰ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
<https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

27 ⁴²¹ Paul Covington et al., *Deep Neural Networks for YouTube Recommendations*, Google (2016),
<https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf>.

28 ⁴²² Manage Your Recommendations and Search Results, Google,
<https://support.google.com/youtube/answer/6342839?hl=en&co=GENIE.Platform%3DAndroid>.

1 568. The algorithm “develops dynamically” to predict which posts will hold the user’s
2 attention.⁴²³ That is, it can also determine which “signals” are more important to individual users.
3 For example, if a user shares every video they watch, including those they rate low, the algorithm
4 learns to discount the significance of the user’s shares when recommending content.⁴²⁴

5 569. Besides the algorithm’s self-learning capability, Google also consistently refines the
6 algorithm, updating it “multiple times a month.”⁴²⁵

7 570. In 2017, the former technical lead for YouTube recommendations explained that
8 “one of the key things [the algorithm] does is it’s able to generalize.”⁴²⁶ While older iterations
9 “were pretty good at saying, here’s another [video] just like” ones the user had watched, by 2017,
10 the algorithm could discern “patterns that are less obvious,” identifying “adjacent relationships” of
11 “similar but not exactly the same” content.⁴²⁷

12 571. Over time, the algorithm became increasingly successful in getting users to watch
13 recommended content. By 2018, YouTube Chief Product Officer Neal Mohan said that the
14 YouTube algorithm was responsible for more than 70% of users’ time using the product.⁴²⁸ That
15 is, more than 70% of the time users spend on YouTube was from recommendations Google’s
16 algorithm pushed to them rather than videos identified by users through independent searches.

20 ⁴²³ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
21 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

22 ⁴²⁴ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
<https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

23 ⁴²⁵ Nilay Patel, *YouTube Chief Product Officer Neal Mohan on The Algorithm, Monetization, and
the Future for Creators*, Verge (Aug. 3, 2021), [https://www.theverge.com/22606296/youtube-](https://www.theverge.com/22606296/youtube-shorts-fund-neal-mohan-decoder-interview)
24 [shorts-fund-neal-mohan-decoder-interview](https://www.theverge.com/22606296/youtube-shorts-fund-neal-mohan-decoder-interview).

25 ⁴²⁶ Casey Newton, *How YouTube Perfected the Feed*, Verge (Aug. 30, 2017),
[https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-](https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-recommendation-personalized-feed)
26 [recommendation-personalized-feed](https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-recommendation-personalized-feed).

27 ⁴²⁷ Casey Newton, *How YouTube Perfected the Feed*, Verge (Aug. 30, 2017),
[https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-](https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-recommendation-personalized-feed)
28 [recommendation-personalized-feed](https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-recommendation-personalized-feed).

⁴²⁸ Joan E. Solsman, *YouTube’s AI Is the Puppet Master over Most of What You Watch*, CNET
(Jan. 20, 2018), [https://www.cnet.com/tech/services-and-software/youtube-cs-2018-neal-](https://www.cnet.com/tech/services-and-software/youtube-cs-2018-neal-mohan/)
mohan/.

1 572. The algorithm also keeps users watching for longer periods. For instance, Mohan
2 explained that mobile device users watch for more than 60 minutes on average per session “because
3 of what our recommendations engines are putting in front of [them].”⁴²⁹

4 573. The algorithm is particularly effective at addicting teenagers to the product. In 2022,
5 Pew Research Center found that “[a]bout three-quarters of teens visit YouTube daily, including
6 19% who report using the site or app almost constantly.”⁴³⁰

7 574. A software engineer explained that the algorithm is “an addiction engine.”⁴³¹ He
8 raised concerns with YouTube staff, who said they had no intention to change the algorithms. After
9 all, the engineer explained, the algorithm works as intended: “it makes a lot of money.”⁴³²

10 575. Since users watch more than one billion hours of YouTube videos daily and
11 approximately 70% of the time is spent on videos pushed to users by YouTube’s “recommendation
12 engine,” Google’s algorithms are responsible for hundreds of millions of hours users spend
13 watching videos on YouTube each day.⁴³³

14 576. The videos pushed out to users by Google’s “recommendation engine” are more
15 likely to be addictive and more likely to lead to harm. For example, “fear-inducing videos cause
16 the brain to receive a small amount of dopamine,” which acts as a reward and creates a desire to do
17 something over and over.⁴³⁴ That dopaminergic response makes it more likely that a user will watch
18 the harmful video, which the algorithm interprets as signaling interest and preference. Former

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20 ⁴²⁹ Joan E. Solsman, *YouTube’s AI Is the Puppet Master over Most of What You Watch*, CNET
(Jan. 20, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>

21 ⁴³⁰ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
22 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022>.

23 ⁴³¹ Mark Bergen, *YouTube Executives Ignored Warnings, Letting Toxic Videos Run Rampant*,
Bloomberg (Apr. 2, 2019), <https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant>.

24 ⁴³² Mark Bergen, *YouTube Executives Ignored Warnings, Letting Toxic Videos Run Rampant*,
Bloomberg (Apr. 2, 2019), <https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant>.

25 ⁴³³ See Joan E. Solsman, *YouTube’s AI Is the Puppet Master over Most of What You Watch*,
26 CNET (Jan. 10, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>.

27 ⁴³⁴ Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC
28 (Feb. 13, 2018), <https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

1 Google engineers told the Wall Street Journal that “[t]he algorithm doesn’t seek out extreme
2 videos . . . but looks for clips that data show are already drawing high traffic and keeping people
3 on the site. Those videos often tend to be sensationalist.”⁴³⁵ An investigation by *Bloomberg* put it
4 simply: “In the race to one billion hours, a formula emerged: Outrage equals attention.”⁴³⁶

5 577. Google’s algorithm makes it more likely for children to encounter harmful content
6 by pushing them down “rabbit holes,” which “[lead] viewers to incrementally more extreme videos
7 or topics, which . . . hook them in.”⁴³⁷ For example, a user might “[w]atch clips about bicycling,
8 and YouTube might suggest shocking bike race crashes.”⁴³⁸ In this way, the algorithm makes it
9 more likely that youth will encounter content that is violent, sexual, or encourages self-harm,
10 among other types of harmful content.

11 578. YouTube’s “recommendation engine” creates a vicious cycle in its ruthless quest to
12 grow view time. Users who get pushed down rabbit holes then become *models* for the algorithm.
13 And the algorithm consequently emphasizes that harmful content, disproportionately pushing it to
14 more users. That is, because Google designed the algorithm to “maximize engagement,”
15 uncommonly engaged users become “models to be reproduced.”⁴³⁹ Thus, the algorithms will “favor
16 the content of such users,” which is often more extreme.⁴⁴⁰

17 579. The algorithm also makes extreme content less likely to get flagged or reported. As
18 Guillaume Chaslot explained, the algorithm becomes “more efficient” over time “at recommending

19 ⁴³⁵ *Why is YouTube Suggesting Extreme and Misleading Content* (2/7/2018),
20 <https://www.youtube.com/watch?v=7AjA3Df6i6o>; see also Josephine Bila, *YouTube’s Dark Side*
21 *Could be Affecting Your Child’s Mental Health*, CNBC (Feb. 13, 2018),
<https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

22 ⁴³⁶ Mark Bergen, *YouTube Executives Ignored Warnings, Letting Toxic Videos Run Rampant*,
23 *Bloomberg* (Apr. 2, 2019), <https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant>.

24 ⁴³⁷ Max Fisher & Amanda Taub, *On YouTube’s Digital Playground, an Open Gate for*
Pedophiles, NY Times (June 3, 2019),
<https://www.nytimes.com/2019/06/03/world/americas/youtube-pedophiles.html>.

25 ⁴³⁸ Max Fisher & Amanda Taub, *On YouTube’s Digital Playground, an Open Gate for*
Pedophiles, NY Times (June 3, 2019),
26 <https://www.nytimes.com/2019/06/03/world/americas/youtube-pedophiles.html>.

27 ⁴³⁹ Guillaume Chaslot, *The Toxic Potential of YouTube’s Feedback Loop*, *Wired* (Jul. 13, 2019),
<https://www.wired.com/story/the-toxic-potential-of-youtubes-feedback-loop/>.

28 ⁴⁴⁰ Guillaume Chaslot, *The Toxic Potential of YouTube’s Feedback Loop*, *Wired* (Jul. 13, 2019),
<https://www.wired.com/story/the-toxic-potential-of-youtubes-feedback-loop/>.

1 specific user-targeted content.”⁴⁴¹ And as the algorithm improves, “it will be able to more precisely
2 predict who is interested in [harmful or extreme] content.”⁴⁴² So “problems with the algorithm
3 become exponentially harder to notice, as [harmful] content is unlikely to be flagged or
4 reported.”⁴⁴³

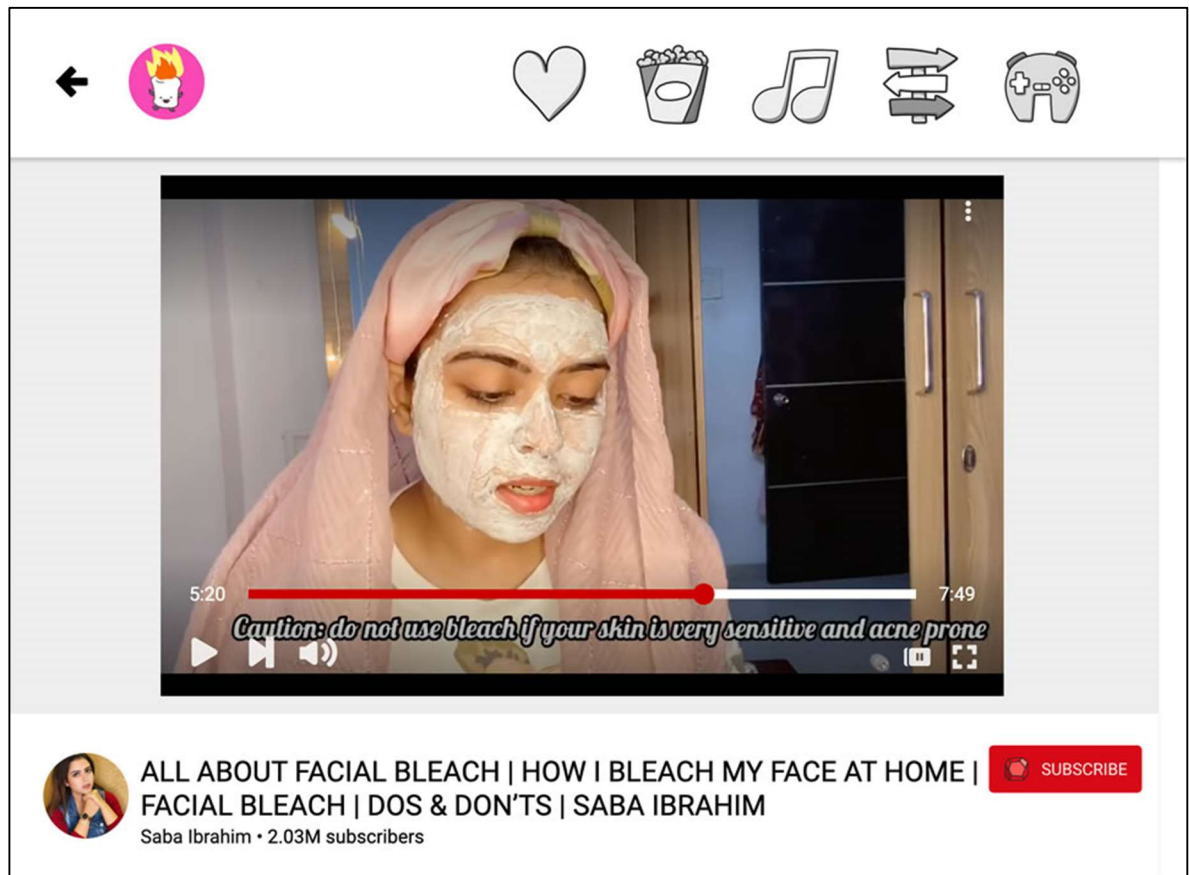
5 580. Even on YouTube Kids, Google’s product designed for children under 13 years old,
6 researchers from the Tech Transparency Project found that the product’s algorithm fed children
7 content related to drugs and guns, as well as beauty and diet tips that risked creating harmful body
8 image issues. For example, the researchers found videos speaking positively about cocaine and
9 crystal meth; instructing users, step-by-step, how to conceal a gun; explaining how to bleach one’s
10 face at home; and stressing the importance of burning calories.⁴⁴⁴

24 ⁴⁴¹ Guillaume Chaslot, *The Toxic Potential of YouTube’s Feedback Loop*, Wired (Jul. 13, 2019),
25 <https://www.wired.com/story/the-toxic-potential-of-youtubes-feedback-loop/>.

26 ⁴⁴² Guillaume Chaslot, *The Toxic Potential of YouTube’s Feedback Loop*, Wired (Jul. 13, 2019),
27 <https://www.wired.com/story/the-toxic-potential-of-youtubes-feedback-loop/>.

28 ⁴⁴³ Guillaume Chaslot, *The Toxic Potential of YouTube’s Feedback Loop*, Wired (Jul. 13, 2019),
<https://www.wired.com/story/the-toxic-potential-of-youtubes-feedback-loop/>.

⁴⁴⁴ *Guns, Drugs, and Skin Bleaching: YouTube Kids Poses Risks to Children*, Tech Transparency
Project (May 5, 2022), <https://www.techtransparencyproject.org/articles/guns-drugs-and-skin-bleaching-youtube-kids-still-poses-risks-children>.



581. Amy Kloer, a campaign director with the child safety group Parents Together, spent an hour on her preschool-age child's YouTube Kids account and found videos "encouraging kids how to make their shirts sexier, a video in which a little boy pranks a girl over her weight, and a video in which an animated dog pulls objects out of an unconscious animated hippo's butt."⁴⁴⁵ Another parent recounted how YouTube Kids autoplay feature led her 6-year-old daughter to "an animated video that encouraged suicide."⁴⁴⁶

582. These are not isolated examples. According to Pew Research Center, 46% of parents of children 11 or younger report that children encountered videos that were inappropriate for their age.⁴⁴⁷ And kids do not "choose" to encounter those inappropriate videos—YouTube's algorithm—

⁴⁴⁵ Rebecca Heilweil, *YouTube's Kids App Has a Rabbit Hole Problem*, Vox (May 12, 2021), <https://www.vox.com/recode/22412232/youtube-kids-autoplay>

⁴⁴⁶ Rebecca Heilweil, *YouTube's Kids App Has a Rabbit Hole Problem*, Vox (May 12, 2021), <https://www.vox.com/recode/22412232/youtube-kids-autoplay>

⁴⁴⁷ Brooke Auxier et al., *Parenting Children in The Age of Screens*, Pew Rsch. Ctr. (July 28, 2020), <https://www.pewresearch.org/internet/2020/07/28/parental-views-about-youtube/>.

1 its “recommendation engine”—directs and pushes them there. Again, YouTube’s algorithm is
2 responsible for 70% of the time users spend using the product.⁴⁴⁸

3 583. Other reports have confirmed that YouTube’s algorithm pushes users towards
4 harmful conduct. In 2021, the Mozilla Foundation studied 37,000 YouTube users, finding that 71%
5 of all reported negative user experiences came from videos recommended to users by Google’s
6 algorithm.⁴⁴⁹ And users were 40% more likely to report a negative experience from a video
7 recommended by YouTube’s algorithm than from one they searched for.⁴⁵⁰ Importantly, videos
8 that elicited those negative experiences “acquired 70% more views per day than other videos
9 watched by [study] volunteers.”⁴⁵¹

10 584. Those defects combine to compel children and teenagers to overuse a product that
11 feeds them harmful content, which in turn can adversely affect mental health. One 10-year-old girl
12 in the Mozilla Foundation study who sought “dance videos, ended up encountering videos
13 promoting extreme dieting.”⁴⁵² Her mother explained that “[s]he is now restricting her eating and
14 drinking.”⁴⁵³ Another middle-schooler compulsively consumed YouTube videos every day after
15 she came home from school.⁴⁵⁴ Eventually, she became depressed and “got the idea to overdose

16
17 ⁴⁴⁸ Joan E. Solsman, *YouTube’s AI Is the Puppet Master over Most of What You Watch*, CNET
18 (Jan. 20, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>.

19 ⁴⁴⁹ YouTube Regrets: A Crowdsourced Investigations into YouTube’s Recommendation
20 Algorithm, Mozilla Foundation 13 (July 2021),
21 https://assets.mofoprod.net/network/documents/Mozilla_YouTube_Regrets_Report.pdf.

22 ⁴⁵⁰ YouTube Regrets: A Crowdsourced Investigations into YouTube’s Recommendation
23 Algorithm, Mozilla Foundation at 3 (July 2021),
24 https://assets.mofoprod.net/network/documents/Mozilla_YouTube_Regrets_Report.pdf.

25 ⁴⁵¹ YouTube Regrets: A Crowdsourced Investigations into YouTube’s Recommendation
26 Algorithm, Mozilla Foundation at 3 (July 2021),
27 https://assets.mofoprod.net/network/documents/Mozilla_YouTube_Regrets_Report.pdf.

28 ⁴⁵² YouTube Regrets: A Crowdsourced Investigations into YouTube’s Recommendation
Algorithm, Mozilla Foundation at 13 (July 2021),
https://assets.mofoprod.net/network/documents/Mozilla_YouTube_Regrets_Report.pdf.

⁴⁵³ YouTube Regrets: A Crowdsourced Investigations into YouTube’s Recommendation
Algorithm, Mozilla Foundation at 13 (July 2021),
https://assets.mofoprod.net/network/documents/Mozilla_YouTube_Regrets_Report.pdf.

⁴⁵⁴ Lesley McClurg, *After Compulsively Watching YouTube, Teenage Girl Lands in Rehab for ‘Digital Addiction’*, PBS (May 16, 2017), <https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction>.

1 online.”⁴⁵⁵ Three weeks later, she “down[ed] a bottle of Tylenol.” She landed in rehab for digital
2 addiction due to her compulsive YouTube watching.⁴⁵⁶

3 585. Those experiences are not unique. Mental health experts have warned that YouTube
4 is a growing source of anxiety and inappropriate sexual behavior among kids under 13 years old.
5 Natasha Daniels, a child psychotherapist, described treating children between 8 and 10 years old,
6 who were “found doing sexual things: oral sex, kissing and getting naked and acting out sexual
7 poses.”⁴⁵⁷ This kind of behavior “usually indicates some sort of sexual abuse.”⁴⁵⁸ Previously,
8 Daniels would typically “find a child who has been molested himself or that an adult has been
9 grooming the child from abuse.”⁴⁵⁹ But “in the last five years, when I follow the trail all the way
10 back, it’s YouTube and that’s where it ends.”⁴⁶⁰

11 586. Daniels has also seen increased rates of anxiety among children using YouTube.
12 And because of that anxiety, those children “exhibit loss of appetite, sleeplessness, crying fits, and
13
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18 ⁴⁵⁵ Lesley McClurg, *After Compulsively Watching YouTube, Teenage Girl Lands in Rehab for*
19 *‘Digital Addiction’*, PBS (May 16, 2017), [https://www.pbs.org/newshour/health/compulsively-](https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction)
20 [watching-youtube-teenage-girl-lands-rehab-digital-addiction](https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction).

21 ⁴⁵⁶ Lesley McClurg, *After Compulsively Watching YouTube, Teenage Girl Lands in Rehab for*
22 *‘Digital Addiction’*, PBS (May 16, 2017), [https://www.pbs.org/newshour/health/compulsively-](https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction)
23 [watching-youtube-teenage-girl-lands-rehab-digital-addiction](https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction).

24 ⁴⁵⁷ Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC
25 (Feb. 13, 2018), [https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-](https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html)
26 [in-young-children.html](https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html).

27 ⁴⁵⁸ Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC
28 (Feb. 13, 2018), [https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-](https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html)
[in-young-children.html](https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html).

⁴⁵⁹ Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC
(Feb. 13, 2018), [https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-](https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html)
[in-young-children.html](https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html).

⁴⁶⁰ Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC
(Feb. 13, 2018), [https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-](https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html)
[in-young-children.html](https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html).

1 fear.”⁴⁶¹ Ultimately, she says, “YouTube is an ongoing conversation in my therapy practice, which
2 indicates there’s a problem.”⁴⁶²

3 587. One study determined that using Google’s product was “consistently associated with
4 negative sleep outcomes.”⁴⁶³ Specifically, for every 15 minutes teens spent using YouTube, they
5 were 24% less likely to get seven hours of sleep. According to Dr. Alon Avidan, director of the
6 UCLA Sleep Disorders Center, YouTube is particularly sleep disruptive because its
7 recommendation algorithm and autoplay features make it “so easy to finish one video” and watch
8 the next.⁴⁶⁴ Similarly, a signal that the YouTube algorithm relies on is the ‘time of day’ a user is
9 watching—a signal that, when used to maximize length of duration with the YouTube product,
10 induces sleep deprivation.⁴⁶⁵

11 588. Sleep deprivation is, in turn, associated with poor health outcomes. For example,
12 “insufficient sleep negatively affects cognitive performance, mood, immune function,
13 cardiovascular risk, weight, and metabolism.”⁴⁶⁶

14 589. Compulsively consuming harmful content on YouTube can also harm brain
15 development. According to Donna Volpitta, Ed.D, “[c]hildren who repeatedly experience stressful
16 and/or fearful emotions may under develop parts of their brain’s prefrontal cortex and frontal lobe,
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19 ⁴⁶¹ Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC
20 (Feb. 13, 2018), <https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

21 ⁴⁶² Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC
22 (Feb. 13, 2018), <https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

23 ⁴⁶³ Meg Pillion et al., *What’s ‘app’-ning to adolescent sleep? Links between device, app use, and
24 sleep outcomes*, 100 Sleep Med. 174–82 (Dec. 2022),
<https://www.sciencedirect.com/science/article/abs/pii/S1389945722010991?via%3Dihub>.

25 ⁴⁶⁴ Cara Murez, *One App Is Especially Bad for Teens’ Sleep*, U.S. News & World Rep. (Sept. 13,
2022), <https://www.usnews.com/news/health-news/articles/2022-09-13/one-app-is-especially-bad-for-teens-sleep>.

26 ⁴⁶⁵ YouTube, *How YouTube Works*, <https://www.youtube.com/howyoutubeworks/product-features/recommendations/#signals-used-to-recommend-content>.

27 ⁴⁶⁶ Jessica C. Levenson et al., *The Association Between Social Media Use and Sleep Disturbance
28 Among Young Adults*, 85 Preventive Med. 36–41 (Apr. 2016),
<https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025>.

1 the parts of the brain responsible for executive functions, like making conscious choices and
2 planning ahead.”⁴⁶⁷

3 590. Google’s algorithm also promotes the creation of and pushes children towards
4 extremely dangerous prank or “challenge” videos, which often garner thousands of “Likes,” adding
5 to the pressure children feel to participate.⁴⁶⁸ For example, the YouTube algorithm repeatedly
6 pushed 10-year-old MDL plaintiff K.L.J. to videos of a viral prank called the “I Killed Myself
7 Prank,” in which children pretend to have committed suicide to record their loved ones’ reactions.
8 When K.L.J. eventually participated in the prank and tried to pretend to hang himself, he
9 accidentally did hang himself, suffering brain damage as a result. The neurological and
10 psychological techniques by which Google, like other Defendants, fosters excessive, addictive use
11 of YouTube in turn foster watching “challenge” videos.

12 591. Even though Google knew or should have known of these risks to its youth users,
13 Google’s product lacks any warnings that foreseeable product use could cause these harms.

14 592. And despite all the evidence that YouTube’s design and algorithms harm millions
15 of children, Google continues to manipulate users and compel them to use the product excessively,
16 to enhance Google’s bottom line. As a result, young people are confronted with more and more
17 extreme videos, often resulting in significant harm.

18 **d. YouTube’s defective features include impediments to**
19 **discontinuing use.**

20 593. As with other Defendants, Google has intentionally and defectively designed its
21 products so that adolescent users face significant navigational obstacles and hurdles when trying to
22 delete or deactivate their accounts, in contrast to the ease with which users can create those
23 accounts.

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26 ⁴⁶⁷ Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC
27 (Feb. 13, 2018), <https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

28 ⁴⁶⁸ See, e.g., ViralBrothers, *Revenge 9 – Cheating Prank Turns into Suicide Prank*, YouTube
(June 11, 2014), https://www.youtube.com/watch?v=Bf7xIjz_ww0.

1 594. *First*, because YouTube is accessible without a user needing to log in, YouTube
2 users cannot prevent themselves from being able to access YouTube by deleting their YouTube
3 account.

4 595. *Second*, YouTube accounts are linked to a user's broader Google account. These
5 accounts are structured such that, for a user to delete a YouTube account, the user must also delete
6 the user's entire Google account. This means that if a YouTube user uses Google's other products
7 those accounts will be lost as well. This structure holds hostage user data—if a child needs to keep
8 their email account through Google (for instance, if that is a requirement of their school), they
9 cannot delete their YouTube account, even if they want to. If a user stores family photos in Google
10 Photos, but wants to delete their YouTube account, they must choose between storage for their
11 photos or deleting their YouTube account. Similarly, if a user has purchased books or movies
12 through Google's digital market Google Play, the user's copy of those books or movies will be
13 deleted if the user deletes their Google account to rid themselves of YouTube. Google explicitly
14 threatens users with this consequence on the page where users can delete their account, listing every
15 associated account Google will delete and providing examples of the kinds of content that will be
16 deleted if a user does not back down from their desire to delete their YouTube account.

17 596. *Third*, Google intentionally designed its product so that to delete a user's Google
18 account, a user must locate and tap on six different buttons (through six different pages and popups)
19 from YouTube's main feed to delete an account successfully. This requires navigating away from
20 YouTube and into the webpages of other Google products. As with Meta, users are still able to
21 recover their accounts after deletion—though unlike Meta, Google does not tell users when their
22 accounts will become unrecoverable, simply threatening that they will soon after deletion.

23 **4. Google facilitates the spread of CSAM and child exploitation.**

24 597. Various design features of YouTube promote and dramatically exacerbate sexual
25 exploitation, the spread of CSAM, sextortion, and other socially maladaptive behavior that harms
26 children.

27 598. Google is required to comply with COPPA and obtain verifiable parental consent
28 before collecting personal information from children. It fails to do so. In 2019, the FTC and New

1 York Attorney General alleged in a federal complaint that Google and YouTube violated COPPA
2 by collecting personal information from children without verifiable parental consent.⁴⁶⁹

3 599. Google and YouTube collected persistent identifiers that they used to track viewers
4 of child-directed channels across the Internet without prior parental notification, in violation of
5 Sections 1303(c), 1305(a)(1), and 1306(d) of COPPA.⁴⁷⁰

6 600. Google and YouTube designed the child-centered YouTube Kids product. Despite
7 its clear knowledge of this channel being directed to children under 13 years old, Google served
8 targeted advertisements on these channels.⁴⁷¹

9 601. Google pays its users to create content because it benefits from increased user
10 activity and receives something of value for its YouTube Partner Program.⁴⁷²

11 602. Google allows users to monetize its product to generate revenue for itself and its
12 users, including users that violate laws prohibiting the sexual exploitation of children.

13 603. According to its own guidelines, Google prohibits using its social media product in
14 ways that “[endanger] the emotional and physical well-being of minors.”⁴⁷³

15 604. Google represents that YouTube “has strict policies and robust operations in place
16 to tackle content and behavior that is harmful or exploitative to children.”⁴⁷⁴

19 ⁴⁶⁹ Fed. Trade Comm’n, Google and YouTube Will Pay Record \$170 Million for Alleged
20 Violations of Children’s Privacy Law (2022), <https://www.ftc.gov/news-events/news/press-releases/2019/09/google-youtube-will-pay-record-170-million-alleged-violations-childrens-privacy-law>.

21 ⁴⁷⁰ Fed. Trade Comm’n, Google and YouTube Will Pay Record \$170 Million for Alleged
22 Violations of Children’s Privacy Law (2022), <https://www.ftc.gov/news-events/news/press-releases/2019/09/google-youtube-will-pay-record-170-million-alleged-violations-childrens-privacy-law>.

23 ⁴⁷¹ Fed. Trade Comm’n, Google and YouTube Will Pay Record \$170 Million for Alleged
24 Violations of Children’s Privacy Law (2022), <https://www.ftc.gov/news-events/news/press-releases/2019/09/google-youtube-will-pay-record-170-million-alleged-violations-childrens-privacy-law>.

25 ⁴⁷² YouTube Partner Program overview & eligibility,
26 <https://support.google.com/youtube/answer/72851?hl=en>.

27 ⁴⁷³ Child safety policy - YouTube help, Google,
<https://support.google.com/youtube/answer/2801999?hl=en>.

28 ⁴⁷⁴ Child safety policy - YouTube help, Google,
<https://support.google.com/youtube/answer/2801999?hl=en>.

1 605. Google maintains that its guidelines prohibit images, videos, and comments that put
2 children at risk, “including areas such as unwanted sexualization, abuse, and harmful and dangerous
3 acts.”⁴⁷⁵

4 606. While Google “may place an age restriction on the video,”⁴⁷⁶ its product fails to
5 implement proper age-verification mechanisms to prevent minor users from accessing age-
6 restricted content, as discussed above.

7 607. Google fails to prevent collages of images and videos of children showing their
8 exposed buttocks, underwear, and genitals from racking up millions of views, on its product which
9 are then promoted and monetized by displaying advertisements from major brands alongside the
10 content.⁴⁷⁷

11 608. Through Google’s product, videos of minors revealing their “bathing suit hauls,”
12 playing in pools, beaches, waterparks, or performing gymnastics are recommended, shown, and
13 promoted to child predators who interact with these videos, including commenting to share “time
14 codes for crotch shots,” to direct others to similar videos, and to arrange to meet up on other social
15 media products to share and exchange CSAM.⁴⁷⁸

16 609. Multiple YouTube channels dedicated to pre-teen models, young girls stretching,
17 and teen beauty are routinely oversexualized and manipulated by predators.⁴⁷⁹

18 610. Google’s product recommends and promotes abusive behaviors towards children
19 and victimizes unsuspecting minors on a mass scale.

20 611. When users search for images and videos of minors, Google’s algorithm pushes
21 additional videos, which strictly feature children, and this recommended content often includes
22 promoted content for which Google receives value from advertisers.

23 ⁴⁷⁵ Child safety policy - YouTube help, Google,
24 <https://support.google.com/youtube/answer/2801999?hl=en>.

25 ⁴⁷⁶ Child safety policy - YouTube help, Google,
26 <https://support.google.com/youtube/answer/2801999?hl=en>.

27 ⁴⁷⁷ K.G Orphanides, *On YouTube, a network of pedophiles is hiding in plain sight* WIRED UK
(2019), <https://www.wired.co.uk/article/youtube-pedophile-videos-advertising>.

28 ⁴⁷⁸ K.G Orphanides, *On YouTube, a network of pedophiles is hiding in plain sight* WIRED UK
(2019), <https://www.wired.co.uk/article/youtube-pedophile-videos-advertising>.

⁴⁷⁹ K.G Orphanides, *On YouTube, a network of pedophiles is hiding in plain sight* WIRED UK
(2019), <https://www.wired.co.uk/article/youtube-pedophile-videos-advertising>.

1 612. Users of Google’s product who search for images and videos of minors are further
2 inundated with comments from other predators that provide hyperlinks to CSAM and opportunities
3 to share CSAM on other products.⁴⁸⁰

4 613. On average, Google pays its creators \$0.50 to \$6.00 per 1,000 views of any video
5 they create, including materials depicting minors in violation of 18 U.S.C. §§ 2252, 2252A, 1591,
6 1466, and other criminal statutes.⁴⁸¹

7 614. Google actively participates and receives value for creating content on its product
8 in violation of 18 U.S.C. §§ 2252, 2252A, 1591, 1466, and other criminal statutes.

9 615. Google actively participates and receives value for creating content on its product
10 in violation of laws prohibiting the sexual exploitation of children.

11 616. Google maintains that it is “dedicated to stopping the spread of online child
12 exploitation videos.”⁴⁸² Yet, it fails to implement proper safeguards to prevent the spread of illegal
13 contraband on its product.

14 617. The troves of data and information about its users that Google collects enable it to
15 detect, report as legally required, and take actions to prevent instances of sexual grooming,
16 sextortion, and CSAM distribution, but it has failed to do so. Google continues to make false
17 representations its “teams work around-the-clock to identify, remove, and report this content.”⁴⁸³

18 618. Google has proprietary technology, CSAI Match, that is supposed to combat CSAI
19 (Child Sexual Abuse Imagery) content online. This technology allows Google to identify known
20 CSAM contraband being promoted, shared, and downloaded on the YouTube product. Google’s
21 CSAI Match can identify which portion of the video matches known and previously hashed CSAM
22 and provide a standardized categorization of the CSAM. When a match is detected by Google using
23

24 ⁴⁸⁰ K.G Orphanides, On YouTube, a network of pedophiles is hiding in plain sight WIRED UK
(2019), <https://www.wired.co.uk/article/youtube-pedophile-videos-advertising>.

25 ⁴⁸¹ How YouTube creators earn money - how YouTube works, YouTube,
26 <https://www.youtube.com/howyoutubeworks/product-features/monetization/#:~:text=Advertising%20is%20the%20primary%20way,directly%20profit%20from%20their%20work>.

27 ⁴⁸² YouTube, <https://www.youtube.com/csai-match/>.

28 ⁴⁸³ Google’s efforts to combat online child sexual abuse material,
<https://transparencyreport.google.com/child-sexual-abuse-material/reporting>.

1 CSAM Match, it is flagged so that Google can “responsibly report in accordance to local laws and
2 regulations.”⁴⁸⁴

3 619. Despite this, Google routinely fails to flag CSAM and regularly fails to adequately
4 report known content to NCMEC and law enforcement and fails to takedown, remove, and
5 demonetize CSAM.

6 620. Separate from CSAM detection, Google also implements an automated system
7 called Content ID “to easily identify and manage [its] copyright-protected content on YouTube.”⁴⁸⁵
8 Videos uploaded to YouTube are “scanned against a database of audio and visual content that’s
9 been submitted to YouTube by copyright owners,” and Google can block, monetize, and track that
10 material automatically.⁴⁸⁶ Google only grants Content ID to copyright owners who meet its own
11 specific criteria, and these criteria categorically exclude CSAM victims. Google fails to use Content
12 ID systems to block, remove, demonetize, or report CSAM on its product.

13 621. In 2018, Google launched “cutting-edge artificial intelligence (AI) that significantly
14 advances [Google’s] existing technologies,” which Google claimed “drastically improved”
15 detection of CSAM that is distributed by its YouTube product.⁴⁸⁷ These claims were false, and
16 misled parents and children into believing its product is safe for minors. Google failed to drastically
17 improve the frequency of CSAM detection, reports, and takedowns on its product.

18 622. Google claims that it will “continue to invest in technology and organizations to
19 help fight the perpetrators of CSAM and to keep our products and our users safe from this type of
20 abhorrent content.”⁴⁸⁸ In reality, it fails to do so. Google fails to invest in adequate age verification
21 and continues to fail to remove CSAM from its product.

22 ⁴⁸⁴ Google’s efforts to combat online child sexual abuse material,
23 <https://transparencyreport.google.com/child-sexual-abuse-material/reporting>.

24 ⁴⁸⁵ How Content ID Works – YouTube Help, Google,
25 <https://support.google.com/youtube/answer/2797370?hl=en>.

26 ⁴⁸⁶ How Content ID Works – YouTube Help, Google,
27 <https://support.google.com/youtube/answer/2797370?hl=en>.

28 ⁴⁸⁷ Nikola Todorovic, *Using AI to help organizations detect and report Child sexual abuse material online Google* (2018), <https://blog.google/around-the-globe/google-europe/using-ai-help-organizations-detect-and-report-child-sexual-abuse-material-online/>.

⁴⁸⁸ Nikola Todorovic, *Using AI to help organizations detect and report Child sexual abuse material online Google* (2018), <https://blog.google/around-the-globe/google-europe/using-ai-help-organizations-detect-and-report-child-sexual-abuse-material-online/>.

1 623. Google knows or should have known that YouTube facilitates the production,
2 possession, distribution, receipt, transportation, and dissemination of millions of materials that
3 depict obscene visual representations of the sexual abuse of children, or that violate child
4 pornography laws, each year.

5 624. Google knowingly fails to take adequate and readily available measures to remove
6 these contraband materials from its product in a timely fashion.

7 625. In violation of 18 U.S.C. § 2258A, Google knowingly fails to report massive
8 amounts of material in violation of 18 U.S.C. § 2256 and 18 U.S.C. § 1466A.

9 626. YouTube is polluted with illegal material that promotes and facilitates the sexual
10 exploitation of minors, and Google receives value in the form of increased user activity for the
11 dissemination of these materials on its products.

12 627. Google failed to report materials in violation of the reporting requirements of 18
13 U.S.C. § 2258A.⁴⁸⁹

14 628. Google knows that its product is unsafe for children and yet fails to implement
15 safeguards to prevent children from accessing its product.

16 629. Further, there is effectively no way for users to report CSAM on Google's YouTube
17 product. YouTube does not allow users to specifically report any material posted on its product as
18 CSAM or child pornography.⁴⁹⁰

19 630. YouTube Mobile does not provide any way to report users, including users who
20 share CSAM on its product. On the desktop, a viewer can report a user, but Google has made the
21 reporting function difficult to access. Furthermore, reporting requires a viewer to have a Google
22 account and be logged in to the account to make the report.⁴⁹¹

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25 ⁴⁸⁹ NCMEC, 2019 CyberTipline reports by Electronic Service Providers (ESP),
<https://www.missingkids.org/content/dam/missingkids/pdfs/2019-reports-by-esp.pdf>.

26 ⁴⁹⁰ Canadian Centre for Child Protection, Reviewing Child Sexual Abuse Material Reporting
27 Functions on Popular Platforms,
https://protectchildren.ca/pdfs/C3P_ReviewingCSAMMaterialReporting_en.pdf.

28 ⁴⁹¹ Canadian Centre for Child Protection, Reviewing Child Sexual Abuse Material Reporting
Functions on Popular Platforms, at 18
https://protectchildren.ca/pdfs/C3P_ReviewingCSAMMaterialReporting_en.pdf.

1 5. **Google failed to adequately warn about the harm its products cause or**
2 **provide instructions regarding safe use.**

3 631. Since YouTube's inception, Google has failed to adequately warn adolescent users
4 about the physical and mental health risks its product poses. These risks include, but are not limited
5 to, product abuse, addiction, and compulsive use; sexual exploitation from adult users; dissociative
6 behavior; damage to body image; social isolation; impaired brain development; and a plethora of
7 mental health disorders like body dysmorphia, eating disorders, anxiety, depression, insomnia,
8 ADD/ADHD exacerbation, suicidal ideation, self-harm, and death.

9 632. Google targets adolescent users via advertising and marketing materials distributed
10 throughout digital and traditional media products. Its advertising and marketing campaigns fail to
11 provide adequate warnings to potential adolescent consumers of the physical and mental risks
12 associated with using YouTube.

13 633. Google further fails to adequately warn adolescents during the product registration
14 process. At account setup, Google's product contains no warning labels, banners, or conspicuous
15 messaging to adequately inform adolescent users of the known risks and potential physical and
16 mental harms associated with usage of its product. Instead, Google allows adolescents to easily
17 create an account (or multiple accounts), and to access YouTube with or without an account.

18 634. Google's lack of adequate warnings continues once an adolescent uses YouTube.
19 Google does not adequately inform adolescent users that their data will be tracked, used to help
20 build a unique algorithmic profile, and potentially sold to Google's advertising clients.

21 635. Google's failure to warn adolescent users continues even as adolescents exhibit
22 problematic signs of addictive, compulsive use of YouTube. Google does not adequately warn users
23 when their screen time reaches harmful levels or when adolescents are accessing the product on a
24 habitual and uncontrolled basis.

25 636. Not only does Google fail to adequately warn users regarding the risks associated
26 with YouTube, it also does not provide adequate instructions on how adolescents can safely use its
27 product. A reasonable and responsible company would instruct adolescents on best practices and
28 safety protocols when using a product known to pose health risks.

1 637. Google also fails to adequately warn users that:

- 2 a. sexual predators use YouTube to produce and distribute CSAM;
- 3 b. adult predators targeting young children for sexual exploitation, sextortion,
- 4 and CSAM are prevalent on YouTube;
- 5 c. usage of YouTube can increase the risk of children being targeted and
- 6 sexually exploited by adult predators; and,
- 7 d. usage of YouTube can increase risky and uninhibited behavior in children,
- 8 making them easier targets to adult predators for sexual exploitation,
- 9 sextortion, and CSAM.

10 **G. IMPACT OF THE DEFENDANT-CREATED MENTAL HEALTH CRISIS**

11 **ON PLAINTIFF**

12 638. The district serves approximately 17,475 students in grades Pre-K through Grades

13 across 33 schools and North Carolina Pre-K classrooms. Its mission is to educate students to

14 become contributing members of society through a safe, competitive, and collaborative educational

15 experience and its vision is to be Wayne County's choice for education, where students can learn

16 and grow in an engaging, responsible, and supportive environment. The Wayne County Board of

17 Education is located in Wayne County, North Carolina, which has a population of approximately

18 117,000 residents.

19 639. Defendants' conduct has created a public health crisis in Plaintiff's schools, and

20 Plaintiff has spent significant and unexpected levels of time and resources on addressing the

21 pervasiveness of social media addiction and its sequelae.

22 640. There has been an increase in the proportion of youth in Plaintiff's community who

23 cannot stop or control their anxiety, who feel so sad and hopeless that they stop doing the activities

24 that they used to love, who experience thoughts of death and/or suicide, who are considering

25 suicide, who made plans to commit suicide, and who have attempted to commit suicide.

26 641. The increases in anxiety, depression, and suicidal behavior among Plaintiff's

27 students have contributed to students' increased behavioral problems, school or academic concerns,

28 and the ability to remain in attendance in Plaintiff's schools. In recent years, an increasing number

1 of students in Plaintiff's schools have been reported or disciplined for disruptive conduct, lower
2 grades, a decline in academics, and major attendance issues and concerns.

3 642. An increase in the disruptive conduct in Plaintiff's schools occurs on or is related to
4 Defendants' platforms. A common pattern of disruptive conduct at Plaintiff's schools occurs in the
5 form of social media threats of mass violence, which results in elevated anxiety among the school
6 communities, loss of instructional time, and waste of school resources. Other examples include
7 student "burn pages", planned fights that are recorded and posted to social media and students who
8 film or photograph other students without their permission and post videos or photos on
9 Defendants' platforms. As a result, students cannot concentrate on schoolwork because of
10 distraction from addiction to the platforms. An increased number of students report online bullying
11 and harassment leading to anxiety. As a result, administrators and teachers spend less time focused
12 on educating. Rather, they spend more and more time investigating and resolving disciplinary
13 issues tied to Defendants' platforms, and fielding complaints from students and parents alike.

14 643. The increase in students who report suffering from anxiety and depression and the
15 increase in behavioral issues—and the connection to Defendants' platforms—have not gone
16 unnoticed. The Wayne County Board of Education's school counselors, social workers, and school
17 nurses estimate that an increased percent of student services are related to social media. The
18 common themes of these services are that students feel unable to manage their emotions affected
19 by social media and unable to control their impulse to use social media, and they express fear and
20 anxiety about what other students post about them on social media.

21 644. In addition to increased disciplinary incidents and counseling related to students'
22 compulsive use of Defendants' social media products, Plaintiff also faces attendance challenges.

23 645. Plaintiff has observed a marked increase in the number of students demonstrating a
24 need for mental health services, caused in substantial part by Defendants' products exploiting the
25 brains of young users.

26 646. In an attempt to address students' mental, emotional, and social health, Plaintiff has
27 expended resources to:
28

- a. develop additional resources to address mental, emotional, and social health issues;
- b. increase training for teachers and staff to identify students exhibiting mental emotional, and social distress;
- c. educate teachers, staff, and members of the community about the harms caused by Defendants' wrongful conduct;
- d. develop lesson plans to teach students about the dangers of using Defendants' platforms; and
- e. update its student handbook to reflect updated Board policies addressing use of Defendants' platforms.

647. Additionally, more students have been involved in disciplinary incidents and have demonstrated academic and attendance concerns as a result of the decline in students' mental, emotional, and social health caused by Defendants. As a result, Plaintiff has been forced to divert resources and expend additional resources to:

- a. increase disciplinary services and time spent addressing bullying, harassment, and threats;
- b. meet with students and the parents of students caught using Defendants' platforms at school;
- c. divert time and resources from instruction activities to notify parents and guardians of students' behavioral issues, academic attendance, and other related concerns; and
- d. investigate and respond to threats made against schools and students over social media.

648. Plaintiff has increased in 2024 the number of partnerships it has with mental health agencies that provide school-based therapeutic counseling services to schools across the District and is actively working to increase partnerships for the 2024-2025 school year. Plaintiff also pays for therapeutic counseling services through federal programs for targeted Title I schools in the District where therapists are not available and which can provides therapeutic services at no cost to

1 students. Despite the increase in the number of schools that are being provided with these services,
2 there are not enough therapists in Wayne County to keep up with the number of students who need
3 services. School counselors cannot keep up with the demand for services. As a result of students'
4 use of Defendants' platforms, an increased number of students have expressed and/or demonstrated
5 mental health concerns. Plaintiff is committed to all students and families having access to social-
6 emotional, behavioral and mental health interventions to support student achievement and well-
7 being. Plaintiff contracts with a company to give platform access to all elementary and middle
8 school staff to support students through SEL instruction, counseling interventions, and other multi-
9 tiered systems of support. In recent years, Plaintiff has increased the number of school social
10 workers on staff to address the increased need for student mental health services and related
11 attendance concerns. School social workers advocate for, support, and empower students, schools,
12 families and communities to remove social, systemic and mental health barriers that impact student
13 well-being to ensure a safe and supportive learning environment.

14 649. As a result, the rest of Plaintiff's staff must fill in the gaps to help students with
15 mental health concerns. As part of the district's mental health planning and mitigation efforts,
16 Plaintiff's staff are trained with strategies to address student social emotional/mental health
17 concerns in the classroom and how to get students needing greater supports connected to services.
18 While this is admirable, teachers, school administrators, and other support staff cannot replace
19 certified counselors.

20 650. The funding needed to address these harms should not fall to the public. Rather,
21 Defendants should bear the burden of remedying their wrongs.

22 651. Ultimately, Plaintiff requires significantly greater and longer-term funding to
23 address the nuisance Defendants have created, along with abatement and injunctive relief.

1 **V. PLAINTIFF’S CLAIMS.**

2 **COUNT 1:**
3 **Public Nuisance**

4 652. Plaintiff realleges and incorporate by reference each preceding and succeeding
5 paragraph as though set forth fully at length herein.

6 653. Plaintiff brings this claim under North Carolina public nuisance law as to all
7 Defendants.

8 654. Under North Carolina law, a public nuisance has been defined as “a public nuisance
9 is anything that threatens life, promotes disease, affects the health of the community or shows the
10 public morals or religious feelings of a community.”⁴⁹²

11 655. Defendants have created a mental health crisis in Plaintiff’s schools, unreasonably
12 interfering with the public health and safety in Plaintiff’s community and interfering with the
13 operations and learning environment of the Wayne County Board of Education.

14 656. Plaintiff and its students have a right to be free from conduct that endangers their
15 health, safety, and welfare. Yet Defendants have engaged in conduct which unreasonably and
16 substantially interferes with the public health and safety in Plaintiff’s community by designing,
17 marketing, and operating their respective social media platforms for use by students in Wayne
18 County Board of Education in a manner that substantially interferes with the functions and
19 operations of Plaintiff’s schools and with the public health, safety, and welfare of Plaintiff’s
20 community.

21 657. Each Defendant has created or assisted in the creation of a condition that is injurious
22 to the health, safety, and welfare of Plaintiff’s community.

23 658. The health and safety of the students and employees of Wayne County Board of
24 Education, including those who use, have used, or will use Defendants’ platforms, as well as those
25 affected by others’ use of their platforms, are matters of substantial public interest and of legitimate
26 concern to Plaintiff.

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28

⁴⁹² *State v. Everhardt*, 203 N.C. 610, 166 S.E. 738 (1932).

1 659. Defendants' conduct has affected and continues to affect a substantial number of
2 people within Wayne County Board of Education and is likely to continue causing significant harm.

3 660. Defendants' conduct has directly caused a severe disruption of the public health,
4 order, and safety. Defendants' conduct is ongoing and continues to produce permanent and long
5 lasting damage.

6 661. This harm to youth mental health and the corresponding impacts on the public
7 health, safety, and welfare of Plaintiff's community outweighs any social utility of Defendants'
8 wrongful conduct.

9 662. The rights, interests, and inconvenience to Plaintiff's community far outweighs the
10 rights, interests, and inconvenience to Defendants, who have profited tremendously from their
11 wrongful conduct.

12 663. But for Defendants' actions, Plaintiff's students would not use social media
13 platforms as frequently or continuously as they do today or be deluged with exploitive and harmful
14 content to the same degree, and the public health crisis that currently exists as a result of
15 Defendants' conduct would have been averted.

16 664. Logic, common sense, justice, policy, and precedent indicate Defendants' unfair and
17 deceptive conduct has caused the damage and harm complained of herein. Defendants knew or
18 reasonably should have known that their design, promotion, and operation of their platforms would
19 cause students to use their platforms excessively, that their marketing methods were designed to
20 appeal to youth, and that their active efforts to increase youth use of their platforms were causing
21 harm to youth and to schools, including youth in Plaintiff's schools.

22 665. Thus, the public nuisance caused by Defendants was reasonably foreseeable,
23 including the financial and economic losses incurred by Plaintiff.

24 666. Additionally, Defendants' conduct was a substantial factor in bringing about the
25 public nuisance. By designing, marketing, promoting, and operating their platforms in a manner
26 intended to maximize the time youth spend on their respective platforms—despite knowledge of
27 the harms to children and teens from their wrongful conduct—Defendants directly facilitated the
28 widespread, excessive, and habitual use of their platforms and the public nuisance effecting

1 Plaintiff's schools. By seeking to capitalize on their success by refining their platforms to increase
2 the time youth spend on their platforms, Defendants directly contributed to the public health crisis
3 and the public nuisance affecting Plaintiff's schools.

4 667. Defendants' conduct is especially injurious to Plaintiff because, as a direct and
5 proximate cause of Defendants' conduct creating or assisting in the creation of a public nuisance,
6 Plaintiff and its students and employees have sustained and will continue to sustain substantial
7 injuries.

8 668. Plaintiff has had to take steps to mitigate the harm and disruption caused by
9 Defendants' conduct, including the following:

- 10 a. developing additional resources to address mental, emotional, and social
11 health issues;
- 12 b. increasing training for teachers and staff to identify students exhibiting
13 mental emotional, and social distress;
- 14 c. educating and/or training teachers, staff, and members of the community
15 about the harms caused by Defendants' wrongful conduct;
- 16 d. developing lesson plans to teach students about the dangers of using
17 Defendants' platforms;
- 18 e. investing resources in educating students about the dangers of using
19 Defendants' platforms;
- 20 f. increasing disciplinary services and time spent addressing bullying,
21 harassment, and threats;
- 22 g. meeting with students and the parents of students caught using Defendants'
23 platforms at school or other disciplinary, academic and/or attendance matters
24 related to students' use of Defendants' platforms;
- 25 h. diverting time and resources from instruction activities to notify parents and
26 guardians of students' behavioral issues, academic, attendance, and other
27 related concerns;
- 28

- i. investigating and responding to threats made against Plaintiff's schools and students over social media; and
- j. updating its student handbook to reflect updated Board policies addressing use of Defendants' platforms.

669. As detailed herein, Plaintiff has suffered special damage different in kind or quality from that suffered by the public in common. The damages suffered by Plaintiff have been greater in degree and different in kind than those suffered by the general public including, but not limited to, costs arising from: expending, diverting and increasing personnel to provide mental health services; expending, diverting and increasing resources to address mental health issues; expending, diverting and increasing staff time to confiscate cell phones and other devices; expending, diverting and increasing staff time to communicate and engage with parents; expending, diverting and increasing staff time associated with student discipline; expending, diverting and increasing staff time associated with routing students to counselors, social workers, nurses, and school psychologists; expending, diverting and increasing staff time to train staff to identify students exhibiting symptoms affecting their mental health; expending, diverting and increasing resources for services, tools and resources for social emotional health; and expending, diverting and increasing resources to investigate and respond to threats made against schools and students over social media.

670. As a result of Defendant's conduct, Plaintiff has incurred and continues to incur damages and is entitled to compensation therefor. Plaintiff requests all the relief to which it is entitled in its own right and relating to the special damage or injury it has suffered, and not in any representative or *parens patriae* capacity on behalf of students, including actual and compensatory damages in an amount to be determined at trial and an order providing for the abatement of the public nuisance that Defendants have created or assisted in the creation of, and enjoining Defendants from future conduct contributing to the public nuisance described above.

671. Defendants are jointly and severally liable because they have acted in concert with each other and because Plaintiff is not at fault.

672. Defendants' conduct, as described above, was intended to serve their own interests despite having reason to know and consciously disregarding a substantial risk that their conduct might significantly injure the rights of others, including Plaintiff, and/or Defendants consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others, including Plaintiff. Defendants regularly risk the health of users of their platforms with full knowledge of the dangers of their platforms. Defendants consciously decided not to redesign, warn, or inform the unsuspecting public, including Plaintiff's students or Plaintiff. Defendants' reckless and outrageous indifference to a highly unreasonable risk of harm and conscious indifference to the health, safety, and welfare of others warrants an award of punitive damages.

COUNT 2:
Negligence

673. Plaintiff incorporates by reference all preceding paragraphs.

674. Defendants owed Plaintiff a duty to not expose Plaintiff to an unreasonable risk of harm, and to act with reasonable care as a reasonably careful person and/or company would act under the circumstances.

675. At all times relevant to this litigation, Defendants owed a duty to its users and Plaintiff to exercise reasonable care in the design, research, development, testing, marketing, supply, promotion, advertisement, operation, and distribution of their social media products, including the duty to take all reasonable steps necessary to design, research, market, advertise, promote, operate, and/or distribute their platforms in a way that is not unreasonably dangerous to users, including children.

676. At all times relevant to this litigation, Defendants owed a duty to users and Plaintiff, to exercise reasonable care in the design, research, development, testing, marketing, supply, promotion, advertisement, operation, and distribution of their social media platforms, including the duty to provide accurate, true, and correct information about the risks of using Defendants' platforms; and appropriate, complete, and accurate warnings about the potential adverse effects of extended social media use, in particular, social media content Defendants directed via their algorithms to users.

1 677. At all times relevant to this litigation, Defendants knew or, in the exercise of
2 reasonable care, should have known of the hazards and dangers of their respective social media
3 platforms and specifically, the health hazards their platforms posed to youth in particular, especially
4 extended or problematic use of such platforms.

5 678. Accordingly, at all times relevant to this litigation, Defendants knew or, in the
6 exercise of reasonable care, should have known that use of Defendants' social media platforms by
7 youth could cause Plaintiff's injuries and thus created a dangerous and unreasonable risk of injury
8 to Plaintiff.

9 679. Defendants also knew or, in the exercise of reasonable care, should have known that
10 users of Defendants' social media platforms were unaware of the risks and the magnitude of the
11 risks associated with the use of Defendants' platforms including but not limited to the risks of
12 extended or problematic social media use and the likelihood that algorithm-based recommendations
13 would expose child and adolescent users to content that is violent, sexual, or encourages self-harm,
14 among other types of harmful content.

15 680. As such, Defendants, by action and inaction, representation and omission, breached
16 their duty of reasonable care, failed to exercise ordinary care, and failed to act as a reasonably
17 careful person and/or company would act under the circumstances in the design, research,
18 development, testing, marketing, supply, promotion, advertisement, operation, and distribution of
19 their social media platforms, in that Defendants designed, researched, developed, tested, marketed,
20 supplied, promoted, advertised, operated, and distributed social media platforms that Defendants
21 knew or had reason to know would negatively impact the mental health of users, particularly youth,
22 and failed to prevent or adequately warn of these risks and injuries.

23 681. Despite their ability and means to investigate, study, and test their social media
24 platforms and to provide adequate warnings, Defendants have failed to do so. Defendants have
25 wrongfully concealed information and have made false and/or misleading statements concerning
26 the safety and use of Defendants' social media platforms. Defendants breached their duty of care
27 by:
28

- a. designing, researching, developing, marketing, supplying, promoting, advertising, operating, and distributing their social media platforms without thorough and testing;
- b. failing to sufficiently study and conduct necessary tests to determine whether or not their social media platforms were safe for youth users;
- c. failing to use reasonable and prudent care in the research, design, development, testing, marketing, supply, promotion, advertisement, operation, and distribution of their social media platforms so as to avoid the risk encouraging extended social media use;
- d. designing their social media platforms to maximize the amount of time users spend on the platform and causing excessive and problematic use of their platforms, particularly among youth, through the use of algorithm-based feeds, social reciprocity, and IVR;
- e. failing to implement adequate safeguards in the design and operation of their platforms to ensure they would not encourage excessive and problematic use of their platforms;
- f. designing and manufacturing their platforms to appeal to minors and young people who lack the same cognitive development as adults and are particularly vulnerable to social rewards like IVR and social reciprocity;
- g. failing to take adequate steps to prevent their platforms from being promoted, distributed, and used by minors under the age of 13;
- h. failing to provide adequate warnings to child and adolescent users or parents who Defendants could reasonably foresee would use their platforms;
- i. failing to disclose to, or warn, Plaintiff, users, and the general public of the negative mental health consequences associated with social media use, especially for children and adolescents;

- j. failing to disclose to Plaintiff, users, and the general public that Defendants' platforms are designed to maximize the time users, particularly youth, spend on Defendants' platforms and cause negative mental health consequences;
- k. representing that Defendants' platforms were safe for child and adolescent users when, in fact, Defendants knew or should have known that the platforms presented acute mental health concerns for young users;
- l. failing to alert users and the general public, including students at Plaintiff's schools of the true risks of using Defendants' platforms;
- m. advertising, marketing; and recommending Defendants' platforms while concealing and failing to disclose or warn of the dangers known by Defendants to be associated with, or caused by, youth use of Defendants' platforms;
- n. continuing to design, research, develop, market, supply, promote, advertise, operate, and distribute Defendants' platforms with knowledge that Defendants' platforms are unreasonably unsafe, addictive, and dangerous to youth mental health;
- o. failing to modify Defendants' algorithms, which are used to recommend content to users, in a manner that would no longer prioritize maximizing the amount of time users spend on Defendants' platforms over the safety of its youth users;
- p. failing to adequately modify Defendants' algorithm-based recommendations to filter out content that expose child and adolescent users to content that is violent, sexual, or encourages self-harm, among other types of harmful content; and
- q. committing other failures, acts, and omissions set forth herein.

682. Defendants knew or should have known that it was foreseeable that Plaintiff, as the primary and sometimes only mental health service provider for many its students, would suffer injuries as a result of Defendants' failure to exercise reasonable care in designing, researching,

1 developing, testing, marketing, supplying, promoting, advertising, operating, and distributing
2 Defendants' platforms, particularly when Defendants' platforms were designed, developed,
3 operated and marketed to maximize the time youth spend on Defendants' platforms Plaintiff did
4 not know and could not have known the nature and extent of the injuries that could result from the
5 intended use of Defendants' social media platforms by Plaintiff's students.

6 683. Defendants' negligence helped to and did produce, and was the proximate cause of,
7 the injuries, harm, and losses that Plaintiff suffered and will continue to suffer, as detailed above.
8 Such injuries, harm, and losses would not have happened without Defendants' negligence as
9 described herein.

10 684. The mental health crisis caused and/or significantly contributed to by Defendants
11 has caused disruptive behavioral situations, academic decline, and attendance concerns for a
12 growing number of students attending Plaintiff's schools, and Plaintiff has had to take steps to
13 mitigate the harm and disruption caused by Defendants' conduct, including the following:

- 14 a. developing additional resources to address mental, emotional, and social
15 health issues;
- 16 b. increasing training for teachers and staff to identify students exhibiting
17 mental emotional, and social distress;
- 18 c. educating and/or training teachers, staff, and members of the community
19 about the harms caused by Defendants' wrongful conduct;
- 20 d. developing lesson plans to teach students about the dangers of using
21 Defendants' platforms;
- 22 e. investing resources in educating students about the dangers of using
23 Defendants' platforms;
- 24 f. increasing disciplinary services and time spent addressing bullying,
25 harassment, and threats;
- 26 g. meeting with students and the parents of students caught using Defendants'
27 platforms at school or other disciplinary, academic and/or attendance matters
28 related to students' use of Defendants' platforms;

- h. diverting time and resources from instruction activities to notify parents and guardians of students' behavioral issues, academic, attendance, and other related concerns;
- i. investigating and responding to threats made against Plaintiff's schools and students over social media; and
- j. updating its student handbook to reflect updated Board policies addressing use of Defendants' platforms.

685. As a result of Defendants' negligence, Plaintiff suffered harm to their real and personal property along with other economic losses, including the costs associated with past, present, and future efforts to address, pay for and/or eliminate the youth mental health crisis, in an amount to be proven at trial.

COUNT 3:
Gross Negligence/Willful and Wanton

686. Plaintiff incorporates by reference all preceding paragraphs.

687. Defendants knew of the substantial risk of harm that their platforms posed to users' mental health, particularly children and adolescents.

688. Defendants' conduct was and is willful and wanton.

689. Defendants' conduct, as described above, was intended to serve their own interests despite having reason to know and consciously disregarding a substantial risk that their conduct might significantly injure the rights of others, including Plaintiff, and/or Defendants consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others, including Plaintiff. Defendants regularly risk the health of users of their platforms with full knowledge of the significant dangers of their platforms. Defendants consciously decided not to redesign, warn, or inform the unsuspecting public, including Plaintiff's students or Plaintiff.

690. Defendants' gross negligence caused or was a substantial factor in causing foreseeable harm to Plaintiff's real and personal property and other economic losses in an amount to be proven at trial.

691. Defendants' reckless and outrageous indifference to a highly unreasonable risk of harm and conscious indifference to the health, safety, and welfare of others warrants an award of punitive damages.

VI. PRAYER FOR RELIEF

Plaintiff demand judgment against each of the Defendants to the full extent of the law, including but not limited to:

1. Entering an Order that the conduct alleged herein constitutes a public nuisance under North Carolina law;
2. Entering an Order that Defendants are jointly and severally liable;
3. Entering an Order requiring Defendants to abate the public nuisance described herein and to deter and/or prevent the resumption of such nuisance;
4. Enjoining Defendants from engaging in further actions causing or contributing to the public nuisance as described herein;
5. Awarding equitable relief to fund prevention education and treatment for excessive and problematic use of social media;
6. Awarding actual, compensatory, and punitive damages;
7. Awarding reasonable attorneys' fees and costs of suit;
8. Awarding pre-judgment and post-judgment interest; and
9. Such other and further relief as the Court deems just and proper under the circumstances.

VII. JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: October 23, 2024

Respectfully submitted,

/s/ Janet Ward Black

Janet Ward Black, Bar No.12869

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